The City Council of the City of Raleigh met in a regular meeting on Tuesday, August 7, 1984, at 1:00 p.m. in the Council Chamber, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend William Cummings of Wilson Temple Methodist Church, after which the following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

SERTOMA PARK CENTER - DONATION OF PAINTING - ACCEPTED

Mrs. Priscilla Perry Sprunt was at the meeting and presented the City with a painting entitled, "Ducks at Sertoma Park," by Ruth Burnstetter. Mayor Upchurch accepted the painting on behalf of the City expressing appreciation to Mrs. Sprunt.

LASSITER MILL PROPERTY - DEEDS TO LOTS 5 AND 6 - ACCEPTED

Dan Roebuck, representing Lassiter Mill Associates, was at the meeting to publicly convey deeds for Lots 5 and 6 (Lassiter Mill property) for greenway use. He indicated this is the deeds to two lots plus the dam and old mill site and he is happy to be able to do this so that this beautiful area can be preserved.

NATIONAL SAFETY COUNCIL - AWARD OF MERIT FOR 1983 - RECEIVED

Mayor Upchurch presented Marion L. Berkley, Safety Coordinator of the City, the National Safety Council's Award of Merit for 1983. He stated this award is for the low incidents of work injuries and work days lost from injuries experienced by employees of the City during 1983 explaining this is the third consecutive year Raleigh has received this award.

FINANCE - CERTIFICATE OF CONFORMANCE - RECEIVED

Mayor Upchurch presented a Certificate of Conformance and Financial Reporting to the City of Raleigh and Finance Director Z. Bryan Hill. Mr. Hill received both awards on behalf of the City.

CERTIFICATES OF APPOINTMENT - VARIOUS - PRESENTED

Mayor Upchurch explained the presentation of Certificates of Appointment and presented the following Certificates: Appearance Commission - John Stokes; Arts Commission - Barbara Litwak and Ann Permar; Board of Adjustment - Don d'Ambrosi; Electrical Examining Board - Leonard Wilson White; Historic Properties Commission - Mrs. John Jadwik, Mrs. Chris Lawton and John Stokes; Mayor's Committee for Services to the Handicapped - Betty Helton; Parks and Recreation Advisory Board - Dr. Phillip S. Rae; Sister City Ad Hoc Committee - R. Marc Jordan.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Congleton requested that the item relating to distribution of utility customer lists be withdrawn. Mrs. Block requested that the encroachment on Method Road and the Bank Courier Service items be withdrawn. Mr. Calloway requested that the traffic item relating to Person Street be withdrawn. Ms. Cates requested that the Youth Council mini-grant be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Walters moved that Administration's recommendation be upheld on the remaining items on the Consent Agenda. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

UTILITY PAYMENT GUARANTEE CONTRACT - WAKE SOCIAL SERVICES DEPARTMENT - ORDINANCE AUTHORIZING ADOPTED

The Council has previously approved the concept of the City entering into an agreement with the Wake County Department of Social Services to guarantee payment of the utility bills for certain customers. An agreement has been prepared and a copy was included in the Council Members' Agenda packet along with a Code amendment.

Recommendation: Adoption of the ordinance amending the City Code to authorize the City Manager to enter into the Payment Guarantee Contract. Consent Agenda approval: Walters/Calloway - 8 ayes.

ORDINANCE (1984) - 384

AN ORDINANCE TO AMEND THE CITY CODE
TO ALLOW PAYMENT GUARANTEE AGREEMENTS AS TO UTILITY CHARGES

WHEREAS, the Wake County Department of Social Services has proposed to guarantee the payment of water and sewer bills of selected utility customers who are Social Services recipients by entering into payment guarantee agreements with the City; and

WHEREAS, entering into utility payment guarantee agreements would avoid hardship to certain customers who otherwise would face nonconnection or disconnection of utility services because of their inability to maintain security deposits or avoid delinquencies in service charges; and

WHEREAS, the City's interests in receiving full payment for utility services would be adequately protected under payment guarantee contracts with Social Services agencies;

WHEREAS, applicable Code amendments are necessary to allow these procedures to be implemented.

NOW, THEREFORE, BE IT ORDAINED BY THE RALEIGH CITY COUNCIL AS FOLLOWS:

Section 1. Section Part 2, Chapter 3 of the Raleigh City Code is hereby amended by adding a new section designated Section 2-3005, to read as follows:

"Sec. 2-3005 Payment Guarantee Agreements with Social Service agencies.

The City Council hereby authorized the City Manager or his designee to enter into and execute on behalf of the City contracts with appropriate Social Service agencies, which contracts provide for guaranteeing the payment of water and sewer bills by customers who are Social Services recipients. Notwithstanding the provisions set forth above relating to (1) the requirement for maintaining a security deposit as a precondition to connecting utility services, and (2) disconnections for non-payment of charges, the City Manager or his designee is authorized to connect utility services without the posting of a security deposit, or to refrain from disconnecting services on a delinquent account, with respect to those customers for whom payment guarantee agreements are in effect."

Section 2. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

ASSESSMENT - ADJUSTMENT OF VARIOUS ACCOUNTS - AUTHORIZED

The following assessment accounts have been reviewed and adjustments are proposed.

(a) Samuel C. Pike - Account 8970-P-002-5

This is a delinquent nuisance abatement charge from 1968. The City has received an offer of $241 to pay off this account. This offer represents payment of principal without interest. Due to length of time that has passed on this account, it is questionable if the City could prevail in a foreclosure action.

Recommendation: Acceptance of offer of $241.

(b) The City has a small number of delinquent assessment accounts which may be collectible. They are as follows:

Account # 1580-W-001-5	1963	$ 22.20
Account # 1580-W-002-5	1965	16.20
Account # 1580-W-003-5	1965	25.20
Account # 3490-U-001-3	1956	167.26
Account # 3490-U-001-5	1957	229.39

Recommendation: Delete from Accounts Receivable records.

(c) Sewer Assessment No. 9847-H-001-2

The City has a current foreclosure proceeding on this assessment in the amount of $1,413.40. The assessment dates back to 1973. The foreclosure attorney recommends acceptance of the offer to pay principal in full and all court costs and that interest costs be waived. This case involves a misunderstanding associated with construction of a sewer line and acquisition of an easement.

Recommendation: Accept offer based on misunderstanding surrounding this case.

Consent Agenda approval: Walters/Calloway - 8 ayes.

EASEMENT EXCHANGE - 2112 YORKGATE DRIVE - EXCHANGE AUTHORIZED

A request has been received for a sanitary sewer easement exchange at 2112 Yorkgate Drive. This is a very small easement area to be exchanged and results from the construction of a house which encroached onto the dedicated sewer easement by 0.3 feet.

Recommendation: Approve exchange of easement area. Consent Agenda approval: Walters/Calloway - 8 ayes.

BUDGET CLOSEOUT - FUND RESERVES - CONCURRENCE GIVEN

The latter days of the FY 83-84 fiscal year resulted in identification of a number of items that needed "Carryover Funding." It would be appropriate for the City Council to concur in the reappropriation of these accounts. The items are as follows:

(1) Annual Report - $9,392.12 - A reappropriation of an existing account of Research and Information.

(2) Storm Water Drainage Study - $75,000 - Reappropriation of an existing account established by Council late in FY 83-84.

(3) Telephone Network Relocation - $46,437.70 - Reappropriation of existing accounts of the Emergency Communications Center budget.

(4) Map/Unit Display - $10,000 - Reappropriation of existing capital account in Emergency Communications.

These items for Council concurrence total $140,829.82.

Recommendation: Concurrence is requested. Consent Agenda approval: Walters/Calloway - 8 ayes.

REVENUE SHARING - FY 84-85 - BUDGET AMENDMENT AUTHORIZED

The second item needing Council action has to do with an overstatement of the FY 84-85 Revenue Sharing revenue budget. The net adjustment required is approximately $163,000 and results from an over estimate of fund balance. Consequently, the action of Council needed is approval of a budget amendment reducing the Revenue Sharing budget as follows:

Revenue

Reduce: Carry Forward Reserve ($163,000)

Expenditure

Reduce: Reserve for Council Projects ($163,000)

Recommendation: Council approval of budgetary actions. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 385.

SPCA - CONTRACT FOR ANIMAL STORAGE - APPROVED

A contract for continuation of animal storage services with SPCA has been received. Their fees are increased by approximately 20%. In 1983-84, the City's costs for this service were $33,429.91. The FY 84-85 includes $43,000 for this service which should be sufficient based on the animal storage experience in 1983-84. A copy of the contract was in the Council Members' Agenda packet.

Recommendation: Approval of the contract with Wake County SPCA. Consent Agenda approval: Walters/Calloway - 8 ayes.

POLICE INFORMATION NETWORK AGREEMENT - RESOLUTION ADOPTED

There is one additional PIN Agreement to be revised to reflect an increase in rental rates established by the State. This agreement covers the units in the Communications Center. These are standard agreements as previously approved by Council.

Recommendation: Adoption of resolution approving the revised agreement with the Police Information Network. Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1984) 582

COPY OF A RESOLUTION PASSED BY THE
CITY OF RALEIGH OF THE COUNTY OF
WAKE, NORTH CAROLINA

The following resolution was offered by Councilman Walters, and a motion was made by Councilman Walters that it be adopted, this motion was seconded by Councilman Calloway, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice, Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Emergency Communications Center provided the City of Raleigh agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the usage cost of such terminal from the date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice, Police Information Network and this Municipality have agreed as follows:

(A) The North Carolina Department of Justice, Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the usage cost (which cost includes maintenance) of the Police Information Network terminal in the amount of $250.00 (per month) beginning from date of installation.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the City Council of the City of Raleigh and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 7th day of August, 1984.

BRIDGE REPAIRS - WILSON CONSTRUCTION COMPANY - AMENDMENT AUTHORIZED

Because of poor weather conditions, a need existed to extend the contract time period by 64 days.

Recommendation: Approval of the contract time by 64 days. Consent Agenda approval: Walters/Calloway - 8 ayes.

SOUTHSIDE DAM RESTORATION PROJECT - ENGINEERING SERVICES AGREEMENT - AMENDED

Due to substantial delays beyond the engineer's control which relate to release of frequencies for telemetry-alarm warning system, an adjustment in engineering fees is proposed. The proposed increase in fees is $11,600.

Recommendation: Approval of the amendment to the engineering services agreement with Malcolm Pirnie, Inc., for $11,600. The Agenda outlined the property budgetary amendments. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 387 TF 3.

EMERGENCY JOBS BILL - GETHSEMANE RAINBOW CONTRACT - AMENDMENT APPROVED EFFECTIVE JULY 1, 1984

This City and Gethsemane Rainbow Partnership, Inc., are under a contract arrangement for service to be provided under the Emergency Jobs Bill Appropriation, funded through the U. S. Department of Housing and Urban Development. The contract amount is $15,000 and authorizes funding for salaries of one part-time Secretary and one Resident Manager.

Gethsemane Rainbow Partnership, Inc., is requesting that a contract amendment be authorized to include reimbursement at $5 per hour for their Executive Director. If this request is authorized, no amendment to the budget will be necessary. Funds for this request are available due to the two authorized positions being vacant at various times during the contract period. Regulations enforced by HUD in employing persons under the Emergency Jobs Bill Appropriation are that the persons be unemployed at least 15 weeks between September 24, 1982, and March 24, 1983. The Executive Director certifies that she meets those requirements.

Recommendation: That City Council authorize this amendment effective July 1, 1984. Consent Agenda approval: Walters/Calloway - 8 ayes.

THOROUGHFARE CONFLICT - OUTER BELTLOOP RIGHT-OF-WAY - BUILDING PERMIT TO BE ISSUED CONDITIONALLY

Mr. J. L. James has inquired about the issuance of a building permit on his property which is in the Outer Beltloop corridor in the Gresham Lake area. Mr. James' letter of request was included in the Council Members' Agenda packet. As noted, he has agreed to enter into a contract providing that if the City acquires right-of-way which affects the building site after 5 years, then the value of the new building would be excluded from any purchase negotiations.

Recommendation: That the City issue a building permit following the execution of an agreement providing that the City may acquire the respective property after 5 years with acquisition cost based solely on the land value and not improvements. Consent Agenda approval: Walters/Calloway - 8 ayes.

RALEIGH HOUSING AUTHORITY - SERVICES AGREEMENT - APPROVED

Included in Council Members' Agenda packet was a proposed agreement which involves services to be provided by RHA as part of the Community Development program. The fee to be paid is $158,007 for the fiscal year.

Recommendation: Approval of the agreement with the Raleigh Housing Authority. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 84-13 - TRUCK CAB AND CHASSIS - BID AWARDED TO NORTH STATE FORD AND BOBBY MURRAY CHEVROLET

Bid Request 84-13 is to be used in our Leaf Collection Program. These trucks were bid in order that we could have them ready by November 1, 1984, when the Leaf Collection Program begins.

Our bid requested immediate delivery and specifications were attached to be used as a guide; because of the late year model we would not be able to find any in stock that meet our specifications. The bids were received and opened by the Purchasing Agent on July 31, 1984, and the results were as follows: North State Ford Truck Sales, Inc. - $39,053.85; Bobby Murray Chevrolet Company, Inc. - $32,917.98; Sir Walter Chevrolet Company - $87,172.

It was pointed out that North State Ford and Bobby Murray Chevrolet have trucks in stock that closely meet our specifications.

The 1984-85 Budget included five additional trucks to improve the Leaf Collection Program. These units are needed now to allow installation of bodies for leaf storage.

Recommendation: Approve bid from North State Ford Truck Sales for three units and bid from Bobby Murray Chevrolet Company for two units. Consent Agenda approval: Walters/Calloway - 8 ayes.

CITY MARKET PROJECT - ZUCHELLI-HUNTER SERVICES CONTRACT - AMENDMENT AUTHORIZED

The present Services Contract has expired. Because of the possible need to have this firm available during the final review of the City Market UDAG grant application, it is desired to have an extension of this contract which would be on an actual cost basis not to exceed $5,000. This proposal, if approved, would be utilized only if needed to analyze adjustments in the financial package which may be suggested as a result of HUD review process.

Recommendation: Approval of a contract amendment to the Zuchelli-Hunter and Associates Services Contract with a fee not to exceed $5,000 and to utilize only upon approval by the City Manager. Consent Agenda approval: Walters/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING - TO BE PLACED ON SEPTEMBER 4, 1984, AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the Agenda for September 4, 1984, for the second and final consideration.

Mrs. Lenna J. Sorrell, Ebony Cab Company (New Individual Owner's Permit)

Mrs. Marie C. Banks, United Cab Company (New Individual Owner's Permit)

Marvin Barnes, Triangle Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Walters/Calloway - 8 ayes.

BUDGET AMENDMENT - POLICE AND FINANCE DEPARTMENT - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Police Department in the amount of $3,284.20 to provide funds for expenses incurred by the Police Department sponsored youth athletic programs. A budget amendment in the amount of $763.86 to provide funding for bond sale expenses associated with Advance Refunding Bond issue in excess

of escrow provision was also presented. A second amendment in the amount of $10,267.84 to provide funding for bond sale expenses associated with the Advance Refunding Bond issue in excess of escrow provisions was also presented. Administration recommends approval of the budget amendments as outlined on the Agenda. Consent Agenda approval: Walters/Calloway - 8 ayes.

ORDINANCE NO. (1984) 385

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to provide funding for bond sale expenses associated with the Advance Refunding Bond Issue in excess of escrow provisions:

Revenue:	07-1-0090-0000	Appropriated Surplus	$5,133.92
	85-1-2290-0225	Appropriated from Other Funds	5,133.92
Expense:	07-2-9920-0103	Appropriated to Other Funds	$5,133.92
	85-2-0000-0200	Bond Sale Expense	5,133.92

Section 2. That the 1984/1985 Budget be amended as follows to provide funding for bond sale expenses associated with the Advance Refunding Bond Issue is excess of escrow provisions:

Revenue:	05-1-0090-0000	Appropriated Surplus	$ 381.93
	38-1-2290-0225	Appropriated from Other Funds	381.93
Expense:	05-2-9920-0103	Appropriated to Other Funds	381.93
	38-2-0000-0200	Bond Sale Expense	381.93

Section 3. That the 1984/1985 Budget be amended as follows to provide funds for expenses incurred by the Police Department sponsored youth athletic programs:

Revenue:	19-1-8500-0101	Police Summer Basketball & Registration Fees	$3,284.20
Expense:	19-2-8500-0100	Expenses for Police Dept. Youth Athletic Programs	$3,284.20

Section 4. That the 1984/1985 Budget be amended as follows to reduce Revenue Sharing budget - carryover funding.

Revenue:	(Reduce) Carryforward Reserve	($163,000)
Expense:	(Reduce) Reserve for Council Projects	($163,000)

Adopted: 8/7/84

CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of the Northeast Exhibit Hall and Assembly Hall I for the 11th Annual RSVP Recognition Luncheon and Program on October 23, 1984.

The item was received without comment.

DAM REPAIRS - LAKE JOHNSON, LAKE WHEELER, LAKE BENSON - CHANGE ORDER #2 AND #4 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #2 - Bolton Corporation relating to dam repairs at Lakes Johnson, Wheeler and Benson. The change order is an addition of $10,250. Change Order #4 relating to the same project with Wilson Construction Company, Inc., was also presented. This is a deduction of $12,869.80. The Agenda outlined the reasons for the change orders and the budget accounts that need to be amended if the change orders are approved. Administration recommends approval of the change order and appropriate budget amendments. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 387 TF 3.

54 INCH RAW WATER MAIN - CHANGE ORDERS #2 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #2 - Wrenn-Wilson Construction Company in the amount of $4,057.09. A second change order - Change Order #2 - T. A. Loving Company, which is a deduction of $23,733.65 was presented. The Agenda listed the reasons for the change orders with it being pointed out both are final change orders on the project as well as budget accounts that should be amended. Administration recommends approval of the change order and budgetary amendments. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 387 TF 3.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDERS G-7 AND F-11 - APPROVED - TRANSFERS AUTHORIZED

The Agenda presented Change Order G-7 - Constructors', Inc., which is a deduction of $15,000. Change Order F-11 - Roberts Filter Manufacturing Company, which is an

addition of $116,650 was presented. It was pointed out Change Order 11 is to do a total renovation of the lab area instead of a partial rework of the area as described in the contract. The Agenda listed the reasons for the change orders and the budgetary accounts that should be amended if the change orders are approved. Administration recommends approval of the change orders and budgetary amendments. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 387 TF 3.

MUNICIPAL BUILDING - 110 - ALTERATIONS - CHANGE APPROVED

The Agenda presented Change Order G-1 - Clancy and Theys, which is an increase of $3,833 relating to alterations to the old "Municipal Building." The Agenda explained the need for the change order as well as the budget accounts that should be amended if the change order is approved. Administration recommends approval. Consent Agenda approval: Walters/Calloway - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packets a list of administrative transfers which have been approved according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Calloway - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-1040-0001	01-2-1100-0265	$443.24
01-2-1240-0261	01-2-1240-0706	500.00
18-2-1000-0235	18-2-1000-0704	350.00
18-2-1000-0235	18-2-1000-0705	600.00
01-2-1040-0001	01-2-1040-0304	140.00
43-2-5090-0228		82.07
43-2-5090-0231		597.47
	43-2-5090-0101	679.54
43-2-5090-0231	43-2-5090-0230	140.92
43-2-5100-0231	43-2-5100-0101	523.90
43-2-5200-0100		142.52
43-2-5080-0100		31.17
	43-2-5200-0101	173.69
43-2-5200-0237	43-2-5200-0101	197.38
19-2-8030-0534	19-2-8030-0221	500.00
43-2-5052-0102	43-2-5052-0101	660.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers within various accounts for purposes as stated in the Agenda with recommendation of approval. Consent Agenda approval: Walters/Calloway - 8 ayes. See Ordinance 387 TF 3.

BID REQUEST 83-75 - PUMPING ENGINE - BID AWARDED TO PETER PIRSCH AND SONS COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 10, 1984, for a pumping engine - 1,000 GPM with results as follows: Peter Pirsch and Sons Company - $129,790; Grumman Emergency Products, Inc. - $136,585; Emergency Equipment, Inc. - $139,066. Administration recommends acceptance of the low bid from Peter Pirsch and Sons Company. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 84-9 - SAFETY SHOES - BID AWARDED TO SAF-GUARD SAFETY SHOE COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 26, 1984, for approximately 800 pairs of safety shoes with results as follows: Saf-Guard Safety Shoe Company - $29,580; McDowell Safety Shoe - $29,680; W. E. Burroughs Company - $31,192. Administration recommends that the low bid by Saf-Guard Safety Shoe Company be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 84-10 - VACUUM LEAF MACHINES - BID AWARDED TO E. F. CRAVEN COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 26, 1984, for three vacuum leaf machines less trade with results as follows: E. F. Craven Company - $41,136.36; N. C. Equipment Company - $41,670. Administration recommends the low bid of E. F. Craven Company be awarded. Consent Agenda approval: Walters/ Calloway - 8 ayes.

BID REQUEST 84-11 - PORTABLE TANDEM ROLLER - BID AWARDED TO ARROW EQUIPMENT, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 26, 1984, for a portable tandem roller less trade with results as follows: Arrow Equipment, Inc. - $17,249; N. C. Equipment Company - $18,990; Interstate Equipment Company - $20,071; Spartan Equipment Company - $22,445. Administration recommends the low bid submitted by Arrow Equipment, Inc., be awarded. Consent Agenda approval: Walters/Calloway - 8 ayes.

BID REQUEST 84-14 - 15 FOOT FLAT DUMP BODIES - BID AWARED TO MILLER MANUFACTURING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 31, 1984, for five 15 foot flat dump bodies with results as follows: Miller Manufacturing Company - $12,245; Godwin Manufacturing Company - $13,945; Sir Walter Chevrolet - $14,425. Administration recommends awarding the low bid submitted by Miller Manufacturing Company. Consent Agenda approval: Walters/Calloway - 8 ayes.

P.U. 1984-5 AND 6 - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

The Agenda presented P.U. 1984-5 which recommends that approximately 1,000 feet of 8 inch sanitary sewer main be installed within the easement beginning at an existing manhole south of the synagogue on Newton Road and continuing eastward across the synagogue's property with an easement to Lot 134 on Newton Road. The estimated cost is $25,000 and the assessment would be on abutting foot method. The request was made by Lee Barham.

P.U. 1984-6 recommends that approximately 2,000 feet of 8 inch sanitary sewer main be installed beginning at 5016 Hermitage and 4909 Larchmont with both lines intersecting at 5033 Larchmont and hence in an easement to Hare Snipe Creek Outfall. The estimated cost is $50,000 and the assessment would be on a per lot basis. The request was made by Guillerm Andrade.

Administration recommends that the Council adopt a Resolution of Intent and set a public hearing for September, 1984. Consent Agenda approval: Walters/Calloway - 8 ayes.

RESOLUTION NO. (1984) 583

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

(a) PU 1984-5 - Installation of approximately 1,000 feet of 8-inch sewer main within easement beginning at an existing manhole south of the Synagogue on Newton Road and continuing eastward across the Synagogue's property within an easement to Lot 134 on Newton Road. (Assessment per abutting foot method)

(b) PU 1984-6 - Installation of approximately 2,000 feet of 8-inch sewer main in the 5000 Block and 4900 Block of Hermitage and Larchmont, respectively, beginning at 5016 Hermitage and 4909 Larchmont with both lines intersecting at 5033 Larchmont and hence in an easement to Hare Snipe Creek Outfall. (Assessment on per lot basis)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended by that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 4th day of September, 1984, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building or as soon thereafter as the matter can be reached.

Adopted: August 7, 1984

END OF THE CONSENT AGENDA

ENCROACHMENT - METHOD ROAD - APPROVED CONDITIONALLY

A private firm desires to extend a pipe underneath Method Road to connect two private facilities. The line is designed to minimize future impact on the street. Section 12-1022 of the City Code requires Council approval of such private activities in the public right-of-way.

Recommendation: Approval of encroachment subject to installation by subsurface boring or jacking of line which would not require cutting Method Road, posting of indemnity insurance in the amount of $250,000 to secure the City from damage and liability claims, and design standards to be approved by City Administration.

Mrs. Block indicated she had requested that this item be removed from the Consent Agenda questioning what the line would be for. It was pointed out that the request was made by Surtronics, Inc., who is presently located on the west side of Method Road. A plant expansion of Surtronics is planned for the east side of Method Road and they want to install a 2 inch diameter PVC pipeline encased in a stainless steel pipe crossing Method Road in order to carry chemical material between the two sites. Lengthy discussion took place and Frank Page, representing Surtronics, explained the work of Surtronics, the plant expansion and the fact that they see no problems with this pipe. He indicated it is a standard way to cross the street and the pipe would be four to five feet in the ground, it would be under the water line but above the sewer line. Lengthy discussion took place on the type of chemicals that would be in the line. Mr. Page indicated this would be a low pressure line - 20 to 30 PSI's and explained how the pipe would be sealed pointing out the possibility of a leak is remote. Mrs. Block moved that this item be held and placed on the next Agenda to give her an opportunity to study the matter. Mr. Keller seconded the motion. Mr. Walters questioned if it would be a hardship to wait another month pointing out possibly, Mrs. Block could get her questions answered and the matter could be voted on tonight. Mr. Benton indicated Administration has taken a look at this item and it is not something we normally do or have done in the past. He indicated the method of encasement is a low risk type approach. He indicated they would have to put in the necessary valves so if there were to become a leak that it could be closed off on either side of the street. He indicated the applicants would have to provide necessary liability insurance and hold harmless agreement. He indicated the design is good, has a low risk factor of leakage and he feels the City is protected. Mrs. Block questioned monitoring of the chemicals with Mr. Walters pointing out the risk of leaks he feels would be higher if they have to transfer the chemicals by vehicle across the road pointing out he feels the odds of spillage would be greater that way. It was agreed to hold the item until the night section of the Agenda.

During the night portion of the meeting, Mrs. Block indicated she had had her concerns answered, therefore, she would make a substitute motion that Administration's recommendation on this item be upheld. Her substitute motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UTILITY CUSTOMER LIST - DISTRIBUTION ON A SUBSCRIPTION BASIS - DENIED

A number of requests are being received for computer prepared lists of new utility customers. Since these are public records, a reasonable process needs to be established to handle such requests. After analysis, it is concluded that the lists should be made available on a subscription basis where the users prepay the costs to be incurred by the City in providing the lists and that the lists would be mailed each month to a subscriber. The estimated cost of providing this service is $60 per month or $720 per year.

Mr. Congleton indicated he requested the item be pulled from the Consent Agenda pointing out he was surprised that this is a public record with Mr. Benton indicating it is his opinion and the City Attorney's opinion that it is public record. Mr. Congleton indicated it concerned him that his name would be on another list that could be sold to whoever wanted to buy it. Various Council Members voiced their opinion with City Attorney McCormick indicating he feels that they are public records. This was discussed briefly. Mr. Walters indicated he would have to vote against this with Mrs. Block pointing out she feels that it is an invasion of privacy and she does not like it when any unit of government, State, City, Federal or whatever, sells lists like this, therefore, she would move that the request be denied. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BANK COURIER SERVICE - CONTRACT WITH WELLS FARGO ARMORED SERVICES CORPORATION - APPROVED

A review has been made of options to improve the methods of transporting City cash deposits and related materials. At present, Police personnel handle the cash deposit delivery, and Finance personnel handle picking up deposit bags and cashier change.

An alternative has been developed and a report was included in Council Members' Agenda packet. The proposal involves contracting for courier services with Wells Fargo Armored Services Corporation at a charge of $230 per month.

Mrs. Block indicated she had requested this item be withdrawn from the Consent Agenda questioning why the recommendation was made. City Manager Benton indicated presently, we have to call in a police officer who is on duty to make the deposits and then someone from the Finance Department has to go to the bank, pick up the deposit slips

and other things. He indicated this involves several trips to the bank per day. Mrs. Block indicated she really feels more secure with our own police delivering the money with Mr. Benton indicating the recommendation is not based on security. It is just felt this is more economically feasible as our personnel - Police and Finance - could be doing other things while these deposits and trips to the bank are made. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a roll call vote which resulted in all members voting in the affirmation. The Mayor ruled the motion adopted.

YOUTH COUNCIL MINI-GRANT - ACCEPTED; MAYOR TO WRITE LETTER OF CONGRATULATIONS

In May, the Raleigh Youth Council was invited to submit an informal bid for a mini-grant from the Governor's Youth Advisory Council. The Youth Council developed the idea of SADD (Students Against Driving Drunk) bumper stickers with their name as the sponsoring organization, and asked for $490 from the Advisory Council. The grant was approved and the Youth Council has recently received a check for $490 from the North Carolina Department of Administration. Permission from City Council to accept this money is requested.

Mrs. Cates indicated she would like to call the Council's attention to this matter and would suggest that a letter be sent from the Mayor congratulating them on the work that they have done in this program and with that recommendation she would move acceptance of the grant. Her motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 386

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 84/85 Budget appropriations be increase as follows to reflect acceptance of youth grant from the State of North Carolina:

Revenue:	02-1-1550-0100	Raleigh Youth Council	$ 490.00
Expense:	02-2-1550-0000	Raleigh Youth Council	$ -0-
	02-2-1550-0265	Supplies & Other Items	490.00

Adopted: 8/7/84

TRAFFIC - TWO-HOUR PARKING INSTALLATION ON PERSON STREET - ORDINANCE ADOPTED

The Department of Transportation recommends that the 36-foot Loading Zone, located 78 feet north of Cabarrus Street, on Person Street, west side, be removed and that a 114-foot One-Hour Parking Zone be established.

A retail business at this location needs on-street turnover parking for customers. The loading zone and other all-day parking in the area precludes on-street customer parking. The one-hour parking being proposed will allow some four spaces for the adjacent business.

Mr. Calloway indicated he requested that this item be removed from the Consent Agenda questioning why this could not be a two-hour parking zone. He explained there is a business in this area and it is felt that the two-hour zone would better accommodate the customers. He stated he had talked with the Department of Transportation and they have no objections to this going to two hours, therefore, he would move approval of the loading zone removal and two-hour parking installation on Person Street as outlined in the Agenda. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 388

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 15d entitled "TWO HOUR PARKING" be amended by adding the following:

Person Street, west side, from Cabarrus Street, northward 114 feet

Section 2. That Schedule No. 17 entitled "LOADING ZONES" be amended by deleting the following:

Person Street, west side, beginning at a point 78 feet north of Cabarrus Street, northward 36 feet

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall becamе effective August 14, 1984.

Adopted: 8/7/84

Effective: 8/14/85

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating they would be handled in the same manner as the regular Consent Agenda. It was pointed out items marked with one asterisk beside the Certified Recommendation number means that those properties are located within flood prone areas. Items marked with two asterisks beside the Certified Recommendation number means that those properties are located with the Falls Basin. Mr. Keller requested that CR-6169 (Z-61-84) and CR-5175 (Z-79-84) be withdrawn. Mr. Walters requested that CR-5143 (S-110-84) and CR-5185 (Z-101-84) be withdrawn. Mrs. Block requested that CR-5160 (S-40-84), CR-5161 (PA-215), CR-5162 (S-100-84), CR-5165 (S-125-84) and CR-5166 (SC-241) be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Calloway moved that the Planning Commission's recommendation on the remaining items be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

PA-220 - TWO NORTH CHASE EXECUTIVE CENTER - APPROVED

This was a request for approval to locate a public sanitary sewer line within a 50-foot Conservation/Buffer. At some points, the cleared easement will encroach into the Conservation/Buffer by 10 to 13 feet.

The property is located on the west side of Six Forks Road, just north of Ammons Drive, inside the City Limits.

CR-5163 from the Planning Commission recommended that this request be approved according to a map entitled, "Two North Chase Executive Center," the property of Spectrum Properties, drawn by Clark, Tribble, Harris and Li, dated July 18, 1984. Consent Agenda approval: Calloway/Congleton - 8 ayes.

SC-232 - QUAIL CORNERS SHOPPING CENTER ADDITION - APPROVED

This was a request for approval to expand the existing shopping center by 2,180 square feet to a total of 98,930 square feet on a site zoned Shopping Center.

The property is located at the southwest corner of Millbrook Road and Falls of the Neuse Road, inside the City Limits.

CR-5164 from the Planning Commission recommended that this request be approved according to a map entitled, "Quail Corners Shopping Center Additions," the property of Dan C. Austin, drawn by Bigger and Agnew, Incorporated, dated March 30, 1984. Consent Agenda approval: Calloway/Congleton - 8 ayes.

STREET NAME CHANGE - ILEAGNES ROAD TO GRENELLE STREET - APPROVED

This was a request for approval to change the name of Ileagnes Road to Grenelle Street.

CR-5167 from the Planning Commission recommended that this request be approved and forwarded to City Council for final action. Consent Agenda approval: Calloway/Congleton - 8 ayes.

REZONING Z-35-84 - HIGHWAY 54 WEST AREA - APPROVED

This was a request for Part A - approval to rezone approximately 44.6 acres from Industrial-I to Thoroughfare District; Part B - approval to rezone approximately two (2) acres from Residential-4 to Thoroughfare District; and Part C - approval to rezone approximately 43.2 acres from Residential-4 to Thoroughfare District.

CR-5168 from the Planning Commission recommended that Parts A, B and C of Z-35-84 be approved as requested. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 391 ZC 144.

TC-267 - MOBILE HOME SUBDIVISIONS - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-2027(1)(c) and 10-3074(a) to authorize Cluster Unit Developments (including private streets and other facilities) in Mobile Home Subdivisions if all other requirements of the City Code are met.

CR-5172 from the Planning Commission recommended that TC-267 be approved as amended. Consent Agenda approval: Calloway/Congleton - 8 ayes.

ORDINANCE NO. (1984) 389 TC 220

AN ORDINANCE TO AMEND PART 10 OF THE RALEIGH CITY CODE CONCERNING MOBILE HOME SUBDIVISIONS:

WHEREAS, the Raleigh City Code permits Mobile Home Subdivisions with individual dwelling unit ownership of lots in the Mobile Home District; and,

WHEREAS, the City Council of the City of Raleigh has determined that if a Mobile Home Subdivision is approved as a cluster unit development, permission should be granted to utilize certain common ownership areas as easements for streets and utility lines as long as all applicable code requirements are met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2027(1)(c) of the Raleigh City Code be amended to read as follows:

"Mobile Home Subdivision, limited to minimum tracts of ten (10) acres, meeting all requirements for conventional residential subdivisions set forth throughout the Code, but with individual dwelling unit ownership of such lots only and except that no private streets shall be permitted in mobile home subdivisions unless the subdivision is approved as a special cluster unit development pursuant to Chapter Three, Part Ten of the Code.".

Section 2. Section 10-2027(1)(c)2 of the Raleigh City Code be amended to read as follows:

"2. No building shall be constructed and no home shall be installed in a mobile home subdivision except in accordance with the yard regulations in Section 10-2063 (yard and density standards) of this code for Residential-6 districts unless the subdivision is approved as a special cluster unit development pursuant to Chapter Three, Part Ten of this Code.".

Section 3. Section 10-3074(a) of the Raleigh City Code be amended to read as follows:

"(a) Notwithstanding any other provisions of this chapter and Code, every cluster unit, condominium, townhouse development, or mobile home subdivision for which permission is sought to use certain common ownership areas as easements for streets and utility lines serving more than one dwelling unit, shall comply, as nearly as possible, with the provisions of Sections 10-3071, 10-3072, 10-3073, and in the case of Mobile Home subdivisions Section 10-2027 of this chapter and shall meet the following additional guidelines: ".

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is declared to be invalid, such invalidity shall not affect any other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable. The Raleigh City Council hereby declares that it has adopted this ordinance and each and every portion thereof notwithstanding any invalidity of other portions.

Section 5. All laws and portions of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 and the Raleigh City Code.

Section 9. This ordinance shall become effective five days following its adoption.

Adopted: 8/7/84

Effective: 8/12/84

TC-271 - MANUAL CHANGEABLE COPY TRACT IDENTIFICATION SIGNS - APPROVED

This was a request for approval to amend Section 10-2065.2(b) to permit manual changeable copy tract identification signs.

CR-5173 from the Planning Commission recommended that TC-271 be approved as presented. Consent Agenda approval: Calloway/ Congleton - 8 ayes.

ORDINANCE NO. (1984) 390 TC 221

AN ORDINANCE TO PERMIT MANUAL CHANGEABLE COPY TRACT IDENTIFICATION SIGNS.

WHEREAS, Article 19, Part 3 of Chapter 160A of the General Statutes authorizes the City of Raleigh to regulate signs; and

WHEREAS, the City of Raleigh has enacted sign regulations which permit tract identification signs and manual changeable copy signs; and

WHEREAS, owners of tract identification signs would like the flexibility to change the copy of their tract identification signs.

NOW, THEREFORE, BE IT ORDAINED BY THE RALEIGH CITY COUNCIL that:

Section 1. Section 10-2065.2(b) of the Raleigh City Code relating to manual changeable copy signs is amended to add new sentences said sentences shall follow the third sentence of Section 10-2065.2(b) and they shall read as follows: "Any premise permitted by this chapter to erect a tract identification sign may substitute six square feet of copy area of such sign in lieu of using the maximum copy area for that sign. Only one such changeable copy sign may be erected and it must be physically part of that tract identification sign.".

Section 2. The first sentence of Section 10-2065.2(h) of the Raleigh City Code is amended to insert immediately before the words "identification sign" the word "tract".

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective five days following its adoption.

Adopted: 8/7/84

Effective: 8/12/84

REZONING Z-77-84 - SCALES STREET - DENIED

This was a request for approval to rezone approximately 2.3 acres from Residential-10 to Residential-30.

CR-5174 from the Planning Commission recommended that Z-77-84 be denied. Consent Agenda approval: Calloway/Congleton - 8 ayes.

REZONING Z-84-84 - RAY ROAD - APPROVED AS AMENDED

This was a request for approval to rezone approximately 9.6 acres from Residential-4 to Residential-10.

CR-5176 from the Planning Commission recommended that Z-84-84 be approved as amended; that is, the property contained in Z-84-84 be rezoned to Residential-10 as requested with a 150-foot Conservation/Buffer along Ray Road. Consent Agenda approval: Calloway/ Congleton - 8 ayes. See Ordinance 391 ZC 144.

REZONING Z-86-84 - MILLBROOK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .2 acre from Residential-4 to Office and Institution-I.

CR-5178 from the Planning Commission recommended that Z-86-84 be approved as requested. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 391 ZC 144.

REZONING Z-87-84 - SIX FORKS ROAD - DENIED

This was a request for approval to rezone approximately 2.9 acres from Office and Institution-I to Shopping Center.

CR-5179 from the Planning Commission recommended that Z-87-84 be denied. Consent Agenda approval: Calloway/Congleton - 8 ayes.

REZONING Z-89-84 - OLD WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half (½) acre from Office and Institution-II to Neighborhood Business.

CR-5181 from the Planning Commission recommended that Z-89-84 be approved as requested. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 391 ZC 144.

REZONING Z-98-84 - POOLE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 298 acres from Residential-4 and Residential-16 to Residential-10 (86.36 acres), Residential-6 (119.52 acres), and Conservation/Buffer (92.15 acres).

CR-5182 from the Planning Commission recommended that Z-98-84 be approved as requested. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 389 TC 220.

REZONING Z-99-84 - EAST LENOIR STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half (½) acre from Neighborhood Business to Residential-20.

CR-5183 from the Planning Commission recommended that Z-99-84 be approved as requested. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 391 ZC 144.

REZONING Z-100-84 - EAST EDENTON STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 12,000 square feet from Residential-10 to Office and Institution-I.

CR-5184 from the Planning Commission recommended that Z-100-84 be approved as requested. The Planning Commission feels that the Historic District Overlay District in this area would protect the character of the building in this request. Consent Agenda approval: Calloway/Congleton - 8 ayes. See Ordinance 391 ZC 144.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-110-84 - RICHLAND - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 59.5± acre tract which is currently undeveloped and zoned Residential-10, Office and Institution-I and Shopping Center into six (6) lots and to construct on the Residential-10 portion a 54-unit condominium project on Lot 3 (5.4 acres), 76-unit townhouse project on Lot 4 (7.6 acres), a 78-unit condominium project on Lot 5 (7.8 acres) and a recreation center on Lot 6 (1.0 acre).

The property is located on the west side of Duraleigh Road, just south of Rockwood Drive, outside the City Limits.

CR-5143 from the Planning Commission recommended that this request be approved according to a map entitled, "Richland," the property of Durham Corporation, drawn by Priest, Craven and Associates, dated June 1, 1984, with the following conditions: (1) That the right-of-way dedication south of Rockwood Drive be abandoned by the property owner; (2) that the recreation facility be deleted from the plan; and (3) that the proposed cul-de-sac be brought up to City Collector Street standards, Section 10-2002 (60-foot right-of-way and 41-foot back-to-back paving with curb, gutter and sidewalk on one side).

Planning Director Chapman explained the subdivision. Planning Commission Chairman McNeely explained the discussions in the Planning Commission and the question surrounding the closing of Rockwood Drive. He indicated in addition, the staff had problems with the designation of a recreational area that would have to go to the Board of Adjustment and the petitioner agreed to remove the recreational use from the plan. He stated the area in the flood prone area is a part of a proposed greenway and the designed uses on the property are well back from the flood prone area. In response to questioning, Planning Director Chapman indicated it shows an 80 foot greenway easement to be reserved but it is not proposed to be dedicated at this point. Discussion took place on the location of Rockwood Drive with it being pointed out it is off site. Mr. Walters indicated Condition No. 1 of the Planning Commission bothered him as the property owner has to close a street on another property, therefore, he would move that the Planning Commission's recommendation be upheld with the exception that Condition No. 1 be changed to read follows: (1) That a topographical variance be given pursuant to Section 10-3004 to omit connection of street stubs. His motion was seconded by Ms. Cates. City Attorney McCormick explained the Code section pointing out the topo in this area is very steep pointing out if Mr. Walters' recommendation is followed, this would leave street stubs so that there would be some areas for cul-de-sacing if needed and would remove the problems of the adjacent property owner explaining the owner of that property lives out of the country and it would be difficult to get the street abandoned without being in contact with the abutting property owner. Ms. Cates indicated she feels it is in the City's best interest not to require a cul-de-sac in this area. Why Rockwood Drive was approved was discussed, after which the motion as stated by Mr. Walters was put to a vote and passed unanimously.

SUBDIVISION S-40-84 - HYMETTUS WOODS - APPROVED WITH CONDITION; MAYOR AUTHORIZED TO SIGN AGREEMENT

This was a request for approval to subdivide a 5.48 acre tract which currently contains two (2) single-family dwellings into 14 lots, zoned Residential-4.

The property is located at the northwest corner of Wade Avenue and Dixie Trail, inside the City Limits.

CR-5160 from the Planning Commission recommended that this request be approved according to a map entitled, "Hymettus Woods," the property of Tri-City Builders, drawn by Bass, Nixon and Kennedy, dated February 27, 1984, with the condition that no lots have private access onto Wade Avenue.

Ms. Cates indicated that this was in the flood plain area where we are talking about the possibility of a parking lot. City Attorney McCormick explained that this subdivision involves land that the City swapped with the developer and in addition to the land the City received, the developer is required to put in a fence, access road, parking lot, etc., or pay funds in a comparable amount to the City whichever the City requires. He indicated at this point, the developer would like to post a bond to cover this and he would suggest that in addition to approving the subdivision as recommended by the Planning Commission, that the Council also authorize the Mayor to sign this agreement. Ms. Cates moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-215 - SUNNYBROOK VILLAGE, LOT 3 - APPROVED WITH CONDITIONS

This was a request for approval to construct 201 residential condominiums in 14 buildings on 9.89 acres which are zoned Office and Institution-II.

The property is located east of Sunnybrook Road and south of Falstaff Road, outside the City Limits.

CR-5161 from the Planning Commission recommended that this request be approved according to a map entitled, "Sunnybrook Village, Lot 3," the property of Associated C. H. Developers, drawn by McNeely Associates, dated June 22, 1984, with the condition that Lot 3 be recorded prior to issuance of any building permits.

Planning Director Chapman explained the area and the plan approval. Mrs. Block indicated her questions had been answered, therefore, she would move approval of the Planning Commission's recommendation. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-100-84 - SUNNYBROOK VILLAGE, LOT 3 - APPROVED WITH CONDITIONS

This was a request for approval to construct 201 residential condominiums in 14 buildings on 9.89 acres which are zoned Office and Institution-II.

The property is located east of Sunnybrook Road and south of Falstaff Road, outside the City Limits.

CR-5162 from the Planning Commission recommended that this request be approved according to a map entitled, "Sunnybrook Village, Lot 3," the property of Associated C. H. Developers, drawn by McNeely Associates, dated June 22, 1984, with the condition that Lot 3 be recorded prior to issuance of any building permits.

Planning Director Chapman explained the subdivision and how flood prone areas are involved. Mrs. Block indicated her questions had been satisfied, therefore, she would move approval of the Planning Commission's recommendation. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-125-84 - SIX FORKS STATION SHOPPING CENTER - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 90.3± acre tract into two (2) parcels, 20.8 acres zoned Residential-4 and Residential-10, 69.5 acres zoned Shopping Center, Office and Institution-II and Residential-10. The site is currently developed as a shopping center.

The property is located at the southwest corner of Six Forks Road and Strickland Road, outside the City Limits.

CR-5165 from the Planning Commission recommended that this request be approved according to a map entitled, "Six Forks Station Shopping Center," the property of Lead Mine Associates, drawn by Bass, Nixon and Kennedy and LaMarr Bunn and Associates, dated July 20, 1984, with the condition that no building permits are issued for Phase 3 until Lead Mine Road is relocated and constructed. (See SC-241, CR-5166.)

Planning Director Chapman explained the subdivision and how flood prone areas were involved in the property. Mrs. Block indicated her questions had been answered, therefore, she would move the Planning Commission's recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-241 - SIX FORKS STATION SHOPPING CENTER - PHASES 2 AND 3 - APPROVED WITH CONDITION

This was a request for approval to expand an existing 76,916 square foot shopping center in two (2) phases (Phase 2 - 67,200 square feet and Phase 3 - 60,000 square feet) on a 42.7 acre site zoned Shopping Center; and approval of a grading plan for the entire site.

The property is located at the southwest corner of Six Forks Road and Strickland Road, outside the City Limits.

CR-5166 from the Planning Commission recommended that this request be approved according to a map entitled, "Six Forks Station Shopping Center, Phases 2 and 3," the property of Lead Mine Associates, drawn by Bass, Nixon and Kennedy and LaMarr Bunn and Associates, dated July 20, 1984, with the condition that no building permits are issued for Phase 3 until Lead Mine Road is relocated and constructed.

Planning Director Chapman explained the approval and how flood prone properties are involved. Mrs. Block indicated her questions had been answered, therefore, she would move the Planning Commission's recommendation be held. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-61-84 - CREEDMOOR ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately nine (9) acres from Residential-4 to Office and Institution-I.

CR-5169 from the Planning Commission recommended that Z-61-84 be approved as amended; that is, that the property contained in Z-61-84 be rezoned to Office and Institution-III.

Planning Director Chapman explained the request and location. Planning Commission Chairman indicated that this item was studied in a subcommittee of the Planning Commission. He indicated the subcommittee made this recommendation to the full Commission pointing out they felt it was a compromise. He explained it was felt that if this property had been included when the surrounding zoning was placed on the property, it probably would not be O&I-III. He explained that one of the property owners supposedly was not notified and felt that the delay was being held against that owner and causing an adverse affect. Mr. Keller indicated he was uncomfortable that the two tracts were combined, therefore, he would move that the land on the east side of Creedmoor Road be rezoned to O&I-I and the property on the west side be rezoned to O&I-III. His motion seconded by Ms. Babb.

Ms. Cates indicated she would like to offer an amendment pointing out the people who live on Oxbow Court have problems with runoff already explaining they have critical water problems now and she feels that there is possibly a potential health problem. She stated if we had a 100 foot buffer along the O&I-III on the west side, it would help the situation and prohibit some of the water from coming onto the Oxbow Court area, therefore, she would offer an amendment to Mr. Keller's motion that in addition to the zoning as suggested by him, that the Council also place a hundred foot Conservation/Buffer along the west side of the property on the west. Her amendment did not receive a second.

Mr. Congleton indicated he had looked at this case very closely pointing out O&I-I is to the north. He pointed out when you look at the focus area, he feels that if this is followed, we will end up stripping Creedmoor with O&I. He stated he almost has a problem with the O&I-III pointing out he knows that this is a small tract but small tracts can be combined into large tracts. He stated he could not support the motion as it is but would be willing to put it in a committee for further study with Mr. Walters indicating the North Plan calls for O&I in this area with Mr. Congleton questioning if that is correct. Mr. Walters indicated he believes the Comprehensive Plan would confirm O&I in this area. Mr. Congleton made a substitute motion that the matter be referred to the Law and Finance Committee. His substitute motion was seconded by Mrs. Block.

Mr. Walters stated he would have to vote against the item being referred to Committee as it has already been studied in depth by the Planning Commission and a subcommittee and he feels it has been studied enough. Mr. Congleton pointed out there must be some disagreement as the Council is making one recommendation and the Planning Commission made another recommendation. Mrs. Block indicated if you look at the map, it looks like we are strip zoning and she fears that what has happened on Falls of Neuse Road will happen on Creedmoor, therefore, she sees no reason for extending the O&I zoning. Ms. Cates indicated she would be glad to support the motion to go to Law and Finance Committee if the Law and Finance Committee would look at the drainage problems that the people on Oxbow Court are having. Mr. Walters explained there were water and drainage problems in this area long before the residences were built and septic tanks were placed where they should not have been placed. The substitute motion to refer the rezoning to Law and Finance Committee was put to a vote with results as follows: ayes - 4 (Babb, Block, Cates, Congleton); noes - 4 (Calloway, Keller, Upchurch, Walters). The Mayor ruled the motion defeated. The original motion as made by Mr. Keller to rezone the property O&I-I and O&I-III was put to a vote with results as follows: ayes - Babb, Calloway, Keller, Upchurch, Walters; noes - Cates, Block, Congleton. Mayor Upchurch indicated this case had a valid protest petition filed and would need six votes to rezone it, therefore, the motion failed and the case is dead and rezoning denied.

Discussion took place, after which Mr. Congleton moved that the City Council reconsider the previous action and consider putting the matter in Law and Finance Committee. His motion was seconded by Ms. Babb. Ms. Babb indicated in the midst of this confusion, the whole case was denied. She pointed out obviously, the City Council is divided on what should happen but she does not feel that the Council should take an action that leaves everyone flustered. She stated it never hurt to take another look at an item. The motion as stated was put to a vote which resulted in all members voting in the affirmative. Mr. Congleton moved that Rezoning Z-61-84 be referred to Law and Finance Committee. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Keller and Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

REZONING Z-79-84 - SHERMAN AVENUE - DENIED

This was a request for approval to rezone approximately 16,000 square feet from Residential-30 to Neighborhood Business.

CR-5175 from the Planning Commission recommended that Z-79-84 be approved as requested.

Planning Director Chapman explained the location and the request. Planning Commission Chairman McNeely explained the Planning Commission's recommendation pointing they felt that this is a proper zoning. Mr. Keller pointed out this is directly across Western Boulevard from a similar case that was denied recently. He indicated the Council denied the same type request last month because it penetrated the residential zoning behind the 200 foot strip of nonresidential zoning along Western Boulevard, therefore, he would move that Rezoning Z-79-84 be denied. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-101-84 - NORTH PERSON STREET - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to add approximately 19,300 square feet to the Historic District Overlay Zoning District.

CR-5185 from the Planning Commission recommended that Z-101-84 be approved as requested.

Mr. Walters indicated he would like to place this in Law and Finance Committee pointing out there are still some questions relative to the house that is to be moved to this location. He indicated hopefully, those problems could be resolved and the Law and Finance Committee could make a recommendation on this item at the September 4 Council Meeting. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-69-84 - LOUISBURG ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 33.8 acres from Residential-1 to Residential-10.

CR-5170 from the Planning Commission recommended that Z-69-84 be approved as requested.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely indicated this property was zoned Residential-1 when no sewer was available to it, however, sewer is now available to the site. Mr. Congleton stated he had some questions about this area and feels it should be studied further, therefore, he would move that Z-69-84 be referred to the Comprehensive Planning Committee. His motion was seconded by Mr. Calloway. Mrs. Block questioned what happened in this area pointing out she thought the sewage capacity was already overrun and would it have capability of handling this property if developed Residential-10 with Planning Director Chapman indicating the Public Utilities Department had done an analysis and determined that the sewer does have sufficient capacity. Mr. Walters questioned why refer it to Committee. Mr. Congleton explained his concern relates to the property to the north pointing out the property to the north was requested to be rezoned Residential-6 but the City Council denied that and explained the facts surrounding that case pointing out he just does not see how the Council could rezone this tract to Residential-10 and he just would like to look into the facts further. Ms. Cates questioned how much land would be given to the greenway pointing out she understands they will be giving up some land for power easement. Planning Director Chapman indicated you do not consider greenway dedication when considering zoning. He pointed out about one-fourth of the site is flood plain. After other discussion, the motion to refer the item to Comprehensive Planning Committee was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

During the night portion of the meeting, Mr. Keller moved that the City Council reconsider the action taken on Rezoning Z-69-84. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. Mr. Keller moved that the recommendation of the Planning Commission to rezone the property as requested be upheld. His motion was seconded by Mrs. Block and put a vote which resulted in all members voting in the affirmative except Mr. Congleton and Ms. Babb who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 391 ZC 144.

CP-6-84 - COLLECTOR STREET PLAN AMENDMENT (WOMAN'S CLUB DRIVE DELETION) - RESOLUTION ADOPTED

This was a request for approval to amend the Collector Street Plan of the Comprehensive Plan by deleting the proposed extension of Woman's Club Drive southward from its existing terminus towards Glenwood Avenue.

CR-5171 from the Planning Commission recommended that CP-6-84 be approved as requested.

Mayor Upchurch moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Cates asked that the record show that she wanted to make the motion to uphold the Planning Commission's recommendation. The motion as stated was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 584

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN CP-6-84

WHEREAS, the purpose of a Comprehensive Plan is to provide general guidance to the City agencies or public agencies, private individuals and organizations as they prepare detailed plans, programs or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council policy concerning this to development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Glenwood Avenue area, revisions to a Collector Street Plan are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

That the Collector Street Plan of the Comprehensive Plan be amended by deleting the proposed extension of Woman's Club Drive southward from its existing terminus toward Glenwood Avenue.

REZONING Z-85-84 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 9.2 acres from Residential-4 to Residential-6.

CR-5177 from the Planning Commission recommended that Z-85-84 be approved as requested.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely explained the Planning Commission's recommendation pointing out this area is designated in the Comprehensive Plan as having approximately five units per acre and they felt that the Residential-6 was reasonable to obtain this density. Mrs. Block moved that the City Council deny this request for rezoning as in her opinion, it is spot zoning, it is surrounded by Residential-4 and the adjacent property owner was opposed. Her motion was seconded by Mr. Keller.

Mr. Congleton indicated that this is one of those cases where we get into the old thing of Residential-4 versus Residential-6. He indicated you have to consider the cost of land and pointed out the adjacent property owner who is objecting lives on a large residential tract. He stated he just does not see this as spot zoning and the CAC supports the rezoning, therefore, Mr. Congleton made a substitute motion that the Planning Commission's recommendation be upheld on Z-85-84. His substitute motion was seconded by Ms. Babb. Ms. Babb pointed out the Planning Commission's recommendation is consistent with the Comprehensive Plan and she feels that we should be consistent. The substitute motion to approve the rezoning as requested was put to a vote which resulted in all members voting in affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 391 ZC 144

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) (Part A) Highway 54 West (Chapel Hill Road), north side, between Nowell Road and I-40, being a portion of Parcel 19, Tax Map 519, and a portion of Parcel 394, Tax Map 490, approximately 44.6 acres rezoned to Thoroughfare District, according to a map on file in the City of Raleigh Planning Department.

(Part B) Nowell Road, west side, between Highway 54 and Trinity Road, being Parcels 59, 60 and 217, Tax Map 490, approximately 2 acres rezoned to Thoroughfare District.

(Part C) Trinity Road, south side, between Nowell Road and I-40 being Parcels 10-12, 14, 15, 29 and 289, and portion of Parcels 16 and 288, Tax Map 490 and a portion of Parcel 9, Tax Map 491, approximately 43.2 acres rezoned to Thoroughfare District, according to a map on file in the City of Raleigh Planning Department. (Z-35-84)

(b) Louisburg Road (U.S. 401 North), between Dansey Drive and Fox Road, being Parcel 6, Tax Map 410 and Parcel 45, Tax Map 411, approximately 33.8 acres rezoned to Residential-10. (Z-69-84)

(c) Ray Road, west side, between Lynn Road (Extended) and Howard Road (Extended), opposite Hampton Oaks Subdivision, being Parcels 7, 516 and 616, Tax Map 349 and a portion of Parcel 242, Tax Map 322 rezoned to Residential-10 with a 150-foot Conservation/Buffer along Ray Road. (Z-84-84)

(d) Six Forks Road, west side, between Sawmill and Strickland Roads, being Parcel 46, Tax Map 324, approximately 9.2 acres rezoned to Residential-6. (Z-85-84)

(e) Millbrook Road, south side, between Six Forks and Snelling Road and Dixon Drive, being Parcel 1261, Tax Map 379, approximately .2 acre rezoned to Office and Institution-I. (Z-86-84)

(f) Old Wake Forest Road, west side, between Bland Road and Ollie Road, being Parcel 107, Tax Map 409, approximately one-half acre rezoned to Neighborhood Business. (Z-89-84)

(g) Poole Road, south side, between the Beltline and the Neuse River, at the end of Bethel Road, being numerous parcels as shown on the map entitled "Ammons-Brown Property", drawn by Jerry Turner and Associates and dated "5/31/84", approximately 298 acres rezoned to Residential-10 (86.36 acres), Residential-6 (119.52 acres), and Conservation/Buffer (92.15 acres), according to map on file in the City of Raleigh Planning Department. (Z-98-84)

(h) East Lenoir Street, north side, between Swain and Haywood Streets, being portions of Parcels 32-35, Block B-61, Tax Map B-11, approximately one-half acre rezoned to Residential-20. (Z-99-84)

(i) East Edenton Street, north side, between N. Person and N. Bloodworth Streets being Parcel 19, Block A-75, Tax Map A-31, approximately 12,000 square feet rezoned to Historic District Overlay District. (Z-100-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective August 7, 1984.

REZONING Z-88-84 - WAKE FOREST ROAD - TO BE PLACED ON SEPTEMBER 4 AGENDA AS SPECIAL ITEM

This was a request for approval to rezone approximately 3 acres from Office and Institution-III to Office and Institution-I.

CR-5180 from the Planning Commission recommended that Z-88-84 be approved as requested.

Mr. Walters indicated the main problem with this rezoning relates to traffic. He stated he could not support the rezoning right now because of the traffic problems but maybe something could be worked out, therefore, he would move that Rezoning Z-88-84 be placed on the September 4 Agenda as a Special Item. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEES AND BOARDS - POLICY ON LENGTH OF SERVICE - ORDINANCE ADOPTED

The City Clerk indicated Council Members received a memo and proposed ordinance relative to the Council's discussion on changing the policy on length of terms. She indicated under the proposed ordinance if a person has served less than six years, they would simply be eligible for reappointment. If a person has six years or more and were reappointed then their appointment period would be the length of time, which added to their previous service, would not carry them over the eight year maximum limitation. She pointed out this would retain the two year term in every other situation and retain the eight year maximum limit on any one Board or Commission. Mr. Walters commended the City Attorney and the Clerk for working this out pointing out he felt this was a very good solution. He moved approval of the proposed ordinance. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 392

AN ORDINANCE TO AMEND THE PROCEDURE FOR APPOINTING MEMBERS TO BOARDS AND COMMISSIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 1-4002(g) of the Raleigh City Code is hereby repealed, rewritten and re-enacted to read as follows:

"g. All appointments to every commission of the City shall be on the basis of a two-year term, except for the incumbent appointees whose reappointment for two years would cause the eight year limitation set out in Section 1-4003(a) to be exceeded. Any such incumbents reappointed shall be reappointed for a period, which added to their previous service, shall constitute eight years. Appointments shall be staggered to the end that there shall always be one or more incumbents upon any commission.".

Section 2. This ordinance shall become effective immediately upon adoption.

Adopted: 8/7/84

Effective: 8/7/84

HISTORIC PROPERTIES COMMISSION - NO ACTION TAKEN

The City Clerk reported two vacancies as resignations have been received from G. Clarke Crampton and Warren Lail. Frances Whitley has been nominated. Nominations have not been closed. There were no nominations.

ARTS COMMISSION - NOMINATION MADE

The City Clerk reported the term of G. Peyton Maynard expires September 21, 1984. He is eligible for reappointment and his attendance record is good. No nominations have been made. Ms. Babb nominated Mr. Maynard.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY BOARD - JESSIE CANNON APPOINTED

The Clerk reported one vacancy due to the resignation of Acie L. Ward. Nominations include David Brownlee and Jessie Cannon. Nominations have been closed.

A ballot vote resulted as follows: Brownlee - 2 (Congleton, Babb); Cannon - 6 (Keller, Calloway, Cates, Block, Walters, Upchurch). The Clerk announced the appointment of Jessie Cannon to a two year term on HRHRAC.

DHIC - NOMINATIONS MADE

The Clerk reported the term of Sheila Nader expires September 7. She will have served six years, one and one-half months. The term of Lulu Robinson expires on that date and she is eligible for reappointment. Nominations include Lulu Robinson and Barry Williams, Jr. Nominations have not been closed. Mr. Walters nominated Sheila Nader. Mrs. Block asked for an attendance record and it was agreed that it would be provided with the next memo.

TRANSIT AUTHORITY - NOMINATIONS MADE

The City Clerk reported the term of C. J. Barber expires September 7, 1984. He will have served six years and two months. Gary Hill has been nominated and nominations have not been closed. Mr. Calloway nominated Mr. Barber.

GREENWAY COMMISSION - NOMINATIONS MADE

The term of Sheila Goodman expires September 16, 1984. She will have served six years and one month. The term of Settle Dockery, III, expires September 21. He is eligible for reappointment. Nominations include Kyle Highsmith and Bill Savage. Mr. Walters nominated Sheila Goodman. Ms. Babb nominated Settle Dockery.

HOUSING APPEALS BOARD AND BOARD OF ADJUSTMENT - COUNTY APPOINTEES - SUGGESTIONS TO BE GIVEN

The City Clerk indicated the County has requested suggestions for their appointee to the Housing Appeals Board and Board of Adjustment. Discussion took place as to how to handle this - whether each individual Council Member would call and give their preference, whether the Council would make nominations and go through the voting procedure in determining what nominations would be sent or simply, various Council Members make suggestions and all of the suggestions be sent to the County. After discussion, it was agreed that Council Members would just make their suggestions at a subsequent Council Meeting and the list of those suggested would be sent to the County for consideration.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

SOCCER FIELD RESERVATION - FEES - HELD UNTIL THE NIGHT PORTION OF THE MEETING

Mr. Keller indicated by a split vote, the Committee had a recommendation, however, there is an item relating to this on the night portion of the meeting, therefore, they hold the recommendation until the night portion of the meeting.

REZONING Z-54-84 - EDWARDS MILL ROAD - HELD IN COMMITTEE; ADMINISTRATION TO DEVELOP PLAN FOR THE AREA TO BE AIRED AT PUBLIC HEARING IN SEPTEMBER

Mr. Keller indicated the Committee had a recommendation by split vote but by general consensus, they would like to change their recommendation. He indicated this rezoning case involves a large undeveloped tract of land and evidently, there is surrounding undeveloped land that will be coming in for rezoning shortly. He stated the Committee would like to hold Rezoning Z-54-84 in Committee and direct Administration to develop a plan for the area bounded by Duraleigh, Edwards Mill and Blue Ridge Roads and that plan would be aired as a special item at the Zoning Hearing when the Northwest District Plan is heard. Ms. Cates indicated she feels we need to look at this area as a whole as we do not know where we are going with this area. Mr. Walters questioned how the plan would be distributed with Planning Director Chapman indicating as he understands the recommendation of the Committee that the staff would undertake to do a more detailed study of the area as outlined and present the results of that study at the same time we have the hearing to receive comments on the Northwest Plan. He indicated once the staff develops the more detailed study on the area in question, they would make sure that the CAC gets copies of the plan and are fully aware of what is being proposed. Mr. Walters indicated he just wanted to make sure that the public is aware of the plan prior to the hearing so that comments could be received. After other discussion, the motion as stated was put to a vote and passed unanimously.

SURPLUS EQUIPMENT SALE - REQUEST FOR REFUND - DENIED

Chairman Keller reported the Law and Finance Committee recommends denial of the request for refund from Larry Beaver with the understanding that he will be advised to abide by the terms of the sale and if he does not pick up the items, he will be forfeiting his bid bond and he will be removed from subsequent list of bidders. It is understood that if the City has to resale the goods that the City will deduct a cost of storage, advertising, and sale expenses and refund any difference to Mr. Beaver. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PARKS AND RECREATION - PROFESSIONAL SERVICES CONTRACT - AWARDED TO STAN CATON AND ASSOCIATES

Mr. Keller reported it is recommended that the Council approve retention of Stan Caton and Associates to provide professional services assistance in the repair of roofs at a fee not to exceed $16,000 and that the appropriate budgetary transfer be approved to establish funds for this agreement. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 387 TF 3.

PAVING ASSESSMENT - JACK HAMILTON - REGULAR PROCEDURE TO BE FOLLOWED

Mr. Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken to change the procedure or collection practices and that the City pursue payment of this assessment. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-88-84, SUBDIVISION S-89-84 AND REZONING Z-90-83 - HELD IN COMMITTEE; STATE REQUESTED TO PROVIDE ASSISTANCE

Mr. Keller reported the Law and Finance Committee is holding these three items on their Agenda for further study, however, recommends that the City Council request the Secretary of Transportation to provide the City assistance in the detailed alignment and interchanges as it relates to the Outer Beltloop. Council Members will receive in their Agenda packet a proposed letter which is recommended for the Mayor's signature. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Mrs. Block indicated in addition, she would like to request that we enclose the recommendation of the Falls of Neuse Technical Advisory Committee as it relates to the Beltline for the State's consideration. Mr. Walters stated he saw no reason to write a letter as he can answer the question as Mr. Robinson has stated that the State will not pin down the right-of-way. He indicated he feels this will just complicate things and hold up the zoning case. The motion as stated was put to a vote with the understanding that the Falls Lake Technical Advisory Committee's report would be included as information. The vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

PA-219 - HILLSBOROUGH ROW - APPROVED AS AMENDED

Mrs. Block indicated this is a request for approval to construct two buildings on three lots zoned Buffer/Commercial, Residential-6 and Conservation/Buffer and the Public Works Committee recommends approval of this plan according to a map entitled, "Revision PA-219, Dated July 19, 1984." She explained the revised plan divides the traffic between Furches Street and Hillsborough Street. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Cates indicated that when this item was discussed in subcommittee, there was concern about the power station across from it and screening of this from the new development. She indicated the City and the developers are getting excellent cooperation from CP&L and they want to work with the Appearance Commission on this. She indicated she feels that this will benefit the beauty of this area. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

ARTS COMMISSION - ADMINISTRATION TO SOLICIT FOR CONSULTANT

Mayor Upchurch indicated during Work Session, it was recommended that the City engage a consultant to undertake a cultural arts action plan for the City of Raleigh which would cover the Greater Raleigh area and include as specific program objectives: (1) Assessment of Cultural Arts Program, (2) Assessment of Arts facilities, (3) A recommendation of viable options, (4) Assessment of cost factors, and (5) Review of existing funding sources. It is estimated that the consultant's fee would be in the range of $20,000 to $40,000. (Council Members will receive in their Agenda packet a copy of the executive summary and proposed RFP.)

Mrs. Block indicated she would make several suggestions to improve and clarify the RFP and outlined the suggestions one by one. Mrs. Cates questioned if this proposes an inventory of existing facilities within the Raleigh area not owned by Raleigh City Government with it being pointed out this includes the inventory of all of the facilities in the Raleigh area. Discussion then took place as to when the request should be returned to the City with it being agreed that that should be changed to October 1. Mrs. Block moved approval of the recommendations with the amendments to the RFP as outlined by her. Her motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

REAL ESTATE COMMITTEE - VARIOUS ACTIONS - RELATING TO SALE AND PURCHASE OF PROPERTY - APPROVED

Mr. Walters indicated in the August 6, 1984, Real Estate Committee, the following recommendations were made pointing out he would read all of the recommendations at once and then make a motion that the total report be accepted. The report is as follows:

1. That the City-owned triangular parcel on the south side of the Beltline at Ramblewood Drive be offered for sale at a minimum bid of $1,300.

2. That the City Attorney be authorized to work with the owners of property at the corner of Lorimer Road and Garland Drive to arrange a settlement.

3. That approximately 20,375 square feet of City property at 1100-1102 Smithfield Street be offered for sale at a minimum bid of $6,300.

4. That approximately 2 acres of City property on Salisbury Street known as Tract "M" be offered for sale at a minimum bid of $1.25 per square foot.

5. That the City purchase 32,285 square feet plus improvements at 915 Mordecai Drive for a sale price of $47,000 and give the owners the option of obtaining a 12 month lease at market rate for continued utilization of this property with an option for renewal terms.

6. That the City retain ownership of its property located on the south side of the Beltline and South Wilmington Street and that Administration be directed to notify affected individuals that any improvements made on this property should be removed.

7. That the recommendations as presented by the Housing Authority be approved as follows:

   I. The fair market acquisition values on these properties:

A.	549 E. Martin Street	$ 6,600.00
B.	1011 S. Person Street	$ 17,900.00
C.	117 S. Bloodworth Street 119 S. Bloodworth Street	$ 74,000.00
D.	111 S. Bloodworth Street 105 S. Bloodworth Street 112 S. East Street 114 S. East Street	$184,000.00

   II. The fair market acquisition value for right-of-way purchase at:

A.	327 S. Haywood Street	219.27 sq. feet	$ 192.34

   III. The Condemnation Resolutions to establish value and clear title on:

A.	125 S. Bloodworth Street	$ 68,400.00
B.	119 S. Bloodworth Street 117 S. Bloodworth Street	$ 74,000.00
C.	111 S. Bloodworth Street 105 S. Bloodworth Street 112 S. East Street 114 S. East Street	$184,000.00
D.	101 S. Bloodworth Street	$ 49,800.00
E.	410 E. Morgan Street	$ 19,950.00
F.	13 S. Bloodworth Street	$ 14,000.00
G.	414 New Bern Avenue	$ 15,000.00
H.	8 S. East Street	$ 20,700.00
I.	405 E. Morgan Street	$ 48,100.00
J.	415 E. Hargett Street	$ 34,300.00

   IV. The approval of an offer to purchase on the following:

A.	520 S. Haywood Street	28,333 sq. feet	$ 24,366.00

   V. The transfer of the following parcels into the Community Development Program:

A.	412 E. Martin Street	2,555 sq. feet
B.	414 E. Martin Street	1,243 sq. feet
C.	304 S. East Street	1,052.4 sq. feet

Ms. Cates indicated she would assume that as the Real Estate Committee looks at parcels that are being recommended for sale, that the Real Estate Committee would make a determination that these are not needed for parks or greenways. Mr. Walters talked about the procedure utilized by the Real Estate Committee in selling property. Mrs. Block moved that the recommendations of the Real Estate Committee as outlined by Mr. Walters be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL COMMITTEE

KINGS MILL VILLAGE - LOTS 70, 71 AND 72 - ANNEXED EFFECTIVE AUGUST 31, 1984

Mr. Calloway indicated the Intergovernmental Committee met recently and on behalf of the Committee, he would move that Lots 70, 71 and 72 of Kings Mill Village be annexed effective August 31, 1984, and that a resolution be adopted placing this area in Electoral District A. His motion was seconded by Mrs. Block. Mr. Congleton indicated he would like to make a substitute motion that this be held until the first meeting in September pointing out there seems to be some question about the timing. Mr. Walters explained they are anxious to get on with correcting the water problems and there was some thought that we could start work on the water or drainage problems prior to annexation but the Committee was advised that could not occur. Lengthy discussion took place as to whether the City could spend money in the ETJ. City Manager Benton indicated this is a complicated problem and Administration was asked to bring a solution. He stated it was his understanding that we could get the date fixed for annexation and then start to work on the storm drainage problem with the City Attorney indicating that the area would have to be annexed prior to work on the storm drainage problem. Discussion took place with City Manager Benton indicating he did not choose to interpret the law differently from the City Attorney. He stated it was his proposal to try to provide for annexing the property, getting the annexation date fixed and beginning the work. Mr. Walters suggested going ahead and annexing the property effective January and going ahead and fixing the water problem now with Mrs. Block indicating she could not vote to spend money outside the City for private problems. After discussion, Mr. Congleton made a substitute motion that this item be deferred until the night portion of the meeting to give the Attorney and the Manager an opportunity to further discuss the legalities. The substitute motion was seconded by Ms. Babb and put to vote which resulted in Mr. Calloway and Ms. Cates voting in the negative.

Later in the meeting, Mr. Congleton indicated he had been in contact with the property owners involved and would move that the recommendation of the Intergovernmental Committee (annexing effective August 31, and adoption of a resolution placing the area in Electoral District A) be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 585

A RESOLUTION TO AUTHORIZE THE INCLUSION OF LOTS 70, 71 AND 72 OF KING'S MILL VILLAGE IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 393 adopted August 7, 1984, annex a parcel of land being commonly referred to as Lots 70, 71 and 72 of King's Mill Village; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Lots 70, 71 and 72 of King's Mill Village as described in Ordinance No. (1984) 393 be added to City Electoral District A.

Adopted: August 7, 1984

Effective: August 31, 1984

ORDINANCE NO. (1984) 393

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS LOTS 70, 71 AND 72 OF KING'S MILL VILLAGE

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on July 17, 1984, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of August 31, 1984:

KING'S MILL VILLAGE, LOTS 70, 71, 72

Beginning at a point in the existing (7-1-84) Raleigh City Limits, said point being in the northeastern corner of Lot 96 of King's Mill Village Subdivision as recorded at the Wake County Registry in B.O.M. 1982, Page 40; thence northwesterly with said existing City Limits 155 feet ± to the southeastern corner of Lot 70 of said subdivision; thence continuing with said existing City Limits and the western and northern lines of Lots 70, 71, 72 of said subdivision as recorded at the Wake County Registry in B.O.M. 1981, Page 1099 the following courses and distances: N 23° 32' 38" W 114.84 feet, N 56° 38' 55" W 38.59 feet, S 67° 28' 03" W 211.68 feet, S 79° 54' 03" W 34.39 feet to the northwestern corner of said Lot 72; thence leaving said City Limits with the western line extended of said Lot 72 S 18° 40' 40" E 217.67 feet ± to the southern right-of-way of Basil Drive thence easterly with the southern right-of-way of Basil Drive 670 feet ± to the point of Beginning.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ECONOMIC DEVELOPMENT STRATEGY - COUNCIL CONCURS WITH CONCEPT; COMPOSITION OF RALEIGH ECONOMIC DEVELOPMENT ROUND TABLE - REFERRED TO LAW AND FINANCE COMMITTEE

Planning Director Chapman indicated Council Members received in their Agenda packet a status report relating to the implementation of the Raleigh Economic Strategy. Mark Oggel went over the highlights of the report and the summary of staff activities and suggested Council action which is summarized as follows:

A. In terms of recent City staff activities, the foregoing strategy-by-strategy report on implementation of the Raleigh Economic Development Strategy can be summarized as follows:

1. The new Economic Development Planning Unit of the Planning Department has now been staffed, and data functions have been organized into a unit with a new staff head now on board. A substantial work program of projects, community involvement, and continual monitoring of and assistance to economic development efforts have been developed.

2. The nature and composition of a new advisory committee to the Council on economic development has been conceptualized. (Council action requested below.)

3. Public forums on economic development as an annual event sponsored by the City have been conceptualized.

4. Work has begun on establishment of the fiscal impact evaluation system. Staff is initiating the request for proposals process for consultant services.

5. Initial conceptualization of the Southeast Raleigh Economic Development Strategy has occurred, with work to begin in earnest later this fall.

6. Downtown continues to be a target area for staff resources and key opportunity projects.

7. Other target areas are being addressed through the district plans, meetings with the State on the Dix property, and creation of the Thoroughfare Zoning District.

8. The City is involved in work force development through the Human Resources Department's seniors employment project and JTPA/PIC.

9. Revenue sources have been enhanced through the additional half-cent sales tax. The fiscal impact evaluation system, Southeast strategy, and other actions of the economic unit and Planning Department should lead toward tax base enhancement.

10. Considerable staff effort is being devoted to public/ private partnership, through ongoing coordination with such groups as the Chamber and through numerous ongoing programs and current projects.

11. Substantial administrative and Council attention have been given in recent months to the cultural arts and facilities, especially to the idea of a performing arts center, Artspace, and Art Gallery.

12. Formation through the Mayor's Office of a standing committee of City and State administrative officials should lead tangibly to improved relations with the State. Discussions continue with the State on the Dix property and a housing project across from the Governor's Mansion.

13. The Manager's Office and the Council have had considerable discussion on the possibility of a "business and technology center" in Raleigh.

B. The Council is requested at its next meeting to initiate creation of the proposed "Raleigh Economic Development Round Table", the purpose and nature of which were outlined above. Staff's suggestions for sector representation and number of members on the Round Table are given below. It would be appropriate for the Council to ask the organizations and groups to provide names of persons for formal nomination and appointment by the Council.

Suggested sectors/groups and numbers of members (in parentheses) are:

1. Chairperson (selected by Mayor) (1)

2. Business and industry (8)

   a. Chamber of Commerce: (1)
   b. Large industry in Wake County, such as IBM, ITT, Corning, Bristol-Myers, etc: (2)
   c. Small business (Raleigh Merchants Association could be asked for names): (1)
   d. Research Triangle Park Foundation: (1)
   e. Real estate/development (PROD, Raleigh Board of Realtors, and Raleigh Home Builders Association could be asked for names): (1)
   f. Commercial banks, savings and loans: (1)
   g. State Department of Commerce (preferably the Industrial Development Division): (1)

3. Government and education (8)

   a. N.C. State administration: (1)
   b. N.C. State faculty: (1)
   c. Area colleges (St. Augustine's, Shaw, Peace, or Meredith): (1)
   d. Wake Technical College: (1)
   e. Wake County Job Training Office (administrative arm for JTPA/PIC): (1)
   f. Capital Economic Development Corporation (CEDCO): (1)
   g. Downtown Raleigh Development Corporation: (1)
   h. State Department of Administration: (1)

4. Citizens (8)

   a. Raleigh Citizen Advisory Council (chairman or officer): (1)
   b. At-large citizens (selected by Council Members): (7)

Mrs. Block indicated she feels that as far as the Round Table is concerned that the County Commissioners should be represented. Ms. Babb indicated she had looked over the report during the weekend and is very happy with the proposed work program and very pleased to see that we have got it to the point of implementation. She stated, however, she, too, had some general concerns about the recommendation as to how the Round Table would be made up, therefore, she would move that the make-up of the Advisory Committee or Round Table be referred to Law and Finance Committee to make sure that we have the best possible design for this Advisory Committee. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously.

Discussion took place on the work program with Mrs. Block questioning the total cost of this package. She stated she is very pleased that we are about to establish the fiscal impact capabilities but just really wonders about the total cost of the package versus the value we are going to receive. City Manager Benton indicated he did not know the total cost pointing out, however, one study is budgeted at $75,000. He stated other costs will be ongoing staff costs pointing out we have added a number of staff people to the Planning Department to work on this program. Mrs. Babb talked about how the fiscal impact analysis can be used pointing out it would not be this confined to the Planning Department. She indicated it would help us evaluate land use updates, look at the implications and consequences of actions the Council may be taking, have better data on which to base the decisions, etc. Several Council Members indicated they feel that this will be a sophisticated tool that the City does need. Ms. Babb moved approval of the work program and schedule as outlined. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. City Manager Benton indicated he would provide Council Members with information on the total cost of the program.

LEAF COLLECTION PLAN - 1984-85 - APPROVED

Assistant Public Works Director Beachum introduced Mack Jones who explained a proposed Leaf Collection Plan for 84-85 pointing out the objective of this plan is to provide leaf collection services to Raleigh citizens on an equal basis and at designated times. He briefly outlined the plan pointing out Council Members had received a map showing the leaf collection districts and scheduled pickups for the various districts. The plan included the following components:

1. Divide the City into four collection districts of equal work effort.

2. Publish dates when each collection district will be serviced.

3. Concentrate all collection forces in one collection district at one time. An 8-day schedule for each district is planned before Christmas and 7-day schedules are planned after Christmas.

4. Provide collection services once before Christmas and twice after Christmas.

5. Provide special services only for weddings and funerals.

6. Delivery of leaves to private citizens for mulching will be made in districts where the collection effort is in progress.

Mr. Walters indicated he feels that this would be a great deal more efficient with Mr. Calloway questioning how we will publish the schedule of pickups. Mr. Jones indicated they plan to use newspapers, water bills, electronic media, attempt to meet with various groups such as garden clubs, etc., explaining the hows and whys of the total program. Various Council Members voiced approval of the concept that everyone would know when their leaves would be picked up. Brief discussion took place on the fact that the usual special collection services immediately before Christmas for subdivisions which display curb side luminaries on Christmas Eve would be discontinued pointing out how this service had increased and had caused problems around Christmas time. Mr. Congleton moved the plan as outlined be approved. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY CODE - PROPOSED AMENDMENT RELATIVE TO SOIL EROSION ORDINANCE - PUBLIC HEARING AUTHORIZED

Section 10-5013 of the City Code requires that any person who violates the provisions of the Soil Erosion Ordinance be notified and served by registered mail. This has caused a delay in enforcement. To improve this effort, the option of serving the violation notice by "certified mail return receipt requested," is needed. However, a Code revision is necessary.

Recommendation: That the City Council authorize a public hearing during the next zoning hearing period to amend Section 10-5013 of the Code by adding after "registered mail" the words "or certified mail return receipt requested." This public hearing should be scheduled for the zoning hearings in September.. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BRAGG STREET HOUSING PROJECT - SUBMISSION OF HOUSING DEVELOPMENT ACTION GRANT - AUTHORIZED

During the latter part of July, it was determined that a Housing Development Action Grant could be developed and submitted to assist in the financing of this project. A grant application was prepared and filed with the regional HUD Office on July 31, 1984, in order to meet the filing deadline. Council Members received a copy of the proposed grant in their Agenda packet.

Recommendation: Approval of submission of the Housing Development Action Grant for the Bragg Street project. Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BAIN REPUMP FACILITY - ENGINEERING SERVICES CONTRACT WITH CAMP, DRESSER, AND McKEE - APPROVED - FUNDS APPROPRIATED

On July 17, 1984, the Council approved retention of the firm of Camp, Dresser, and McKee to provide engineering services for the repump facility. A contract has been negotiated which provides for a fixed fee of $98,500 for design services. Inspection Services, Soils Investigations, and Survey Services are to be based on actual costs based on a schedule of labor costs.

Recommendation: That the agreement with Camp, Dresser, and McKee be approved with the following estimates of costs for each engineering services element:

Basic Design Services	$ 98,500	
Inspection of Construction	52,700	(est.)
Witness Pump Test	2,500	(est.)
Soils Investigation	15,000	(est.)
Land Surveys	10,000	(est.)
	$178,700	

It is further recommended that the following transfer of funds be approved:

From:		
84-2-1060-0601	EMJ Clearwell-Water Bond	$178,700
To:		
84-2-1340-0102	Bain Repump-Water Bond	$178,700

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 387 TF 3.

MUNICIPAL PARKING DECK - AGREEMENT WITH McLAURIN PARKING COMPANY - APPROVED

An agreement has been negotiated with McLaurin Parking Company, Inc., to operate the parking deck from its date of opening to December 31, 1985. A copy of the proposed agreement was in the Council Members' Agenda packet. This agreement provides for a direct reimbursement to McLaurin for their costs during the term of this agreement. After one year's experience, it will be possible to know how the deck will be used and it will provide a better basis for deciding on the terms of an operator's agreement.

Several of the major features of this agreement are:

(1) A three year pay back for installation of parking control devices with the City paying only for cost and no interest.

(2) Adjustment in hourly parking rate to $.25 for each ½ hour after the first hour instead of for each hour after the first hour. (This is consistent with parking fees in downtown.)

Recommendation: Approval of the proposed agreement with McLaurin Parking Company.

City Manager, in response to questioning, indicated it is hard to determine what type of income will be derived from the parking deck because of the mixture of uses. He stated he felt that this is a good proposal and agreement. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ATLANTIC AVENUE/SPRING FOREST BRIDGES - AGREEMENT WITH SEABOARD RAILROAD - APPROVED - FUNDS APPROPRIATED

The Atlantic Avenue project and the Spring Forest Road connection require construction of underpasses at the Seaboard Railroad. The Council has approved the bids for the construction of the bridges. However, the project also requires an agreement with the railroad. Negotiations have been completed with the Seaboard Railroad. This agreement provides for the railroad to install temporary and permanent rails, relocating communications and signal equipment, and flagging controls at an estimated cost of $842,176.

Recommendation: That Council approve the agreement with Seaboard System Railroad to provide the necessary services associated with the two highway underpasses and that the following transfer of funds be approved:

Transferred From:		
32-2-3000-0100	Atlantic Avenue	$842,176
Transferred To:		
32-2-3012-0201	Seaboard Railroad	$842,176

Mr. Congleton moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 387 TF 3.

RESOLUTION (1984) 595 A

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and to sign same on behalf of said City pertaining to the construction of new underpasses across SBD's main track right-of-way at Spring Forest Road and Atlantic Avenue, Raleigh, North Carolina, as particularly set forth in said agreement, which agreement is dated August 15, 1984, a copy of which agreement is filed with the City Council.

RAINWATER DRIVE EXTENSION - AMENDMENT TO AGREEMENT - AUTHORIZED

On March 20, 1984, the City Council approved an agreement with North Ridge Estates to provide for a bridge across Perry Creek and the extension of Rainwater Drive. The agreement provided that the City would participate by paying an amount of $49,942 as a part of the bridge cost. An assumption was made that the bridge width would be 61 feet and require two sidewalks. The final design indicates that one sidewalk is required in this area in accordance with the Subdivision Regulations. Therefore, the width of the bridge is 47 feet 6 inches. All terms of the agreement should remain the same, but the width of the bridge should be revised to 47 feet 6 inches to reflect actual design requirements.

Recommendation: That the agreement with North Ridge Estates Associates be revised to reflect the new bridge width of 47 feet 6 inches. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BENSON DRIVE - REQUEST FOR EXTENSION - REFERRED TO ADMINISTRATION FOR REPORT TO PUBLIC WORKS COMMITTEE

A request has been received from an individual to reactivate the City project to extend Benson Drive from Navaho Drive northward to the Hilton Inn. The individual has expressed a willingness to pay 50 percent of the costs of this project.

The extension of this street is involved in the complicated nature of the Wake Forest-New Hope Church Road intersection. Administration would propose to address this total intersection issue as part of responding to this proposal. It may be appropriate to refer this request to a Council Committee.

Recommendation: Either refer to a Council Committee or to Administration to develop a recommendation on the Benson Drive extension and the Wake Forest-New Hope Church Road intersection.

City Manager Benton indicated Administration feels that the Benson Drive extension would be an asset but Administration is concerned about how that would fit in with the five legged intersection and feels that it should be studied further. Brief discussion took place and Mrs. Block moved that this matter be referred to Public Works Committee and ask Administration to develop a recommendation for report directly to the Public Works Committee. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously.

A representative of Grove Towers indicated they have 400 cars and over 700 employees and it is virtually impossible to come out from their establishment and turn north and they feel that this would expedite that problem. Mr. Walters explained there is a problem already and before Grove Park was constructed, everyone knew that there were traffic problems there. He stated he did not feel that the City should jump in and build another road necessarily as the developers knew there were problems when they constructed in this location. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

STREET RESURFACING BIDS - CITY MANAGER AUTHORIZED TO APPROVE CONDITIONALLY

Bids were received on Monday, July 30, for the Street Resurfacing Program. Only two bids were received and were rejected because of the City's policy of a minimum of three bids on the first request. The request for bids was promptly readvertised for the minimum statutory time of 7 days and the bids are scheduled to be opened on August 8, 1984.

This is a critical time because the Council will not meet again until September 4, 1984. It would be desirable to award these bids as soon as possible to get the work done this fall before winter. If the Council desires, authorization can be given to the City Manager to accept and award the bids, provided the bids are reasonable, that at least two competitive bids are received, that the contract for such work would not exceed $350,000, and that the bids would be brought to the Council on September 4, for recordation in the Council Minutes.

Ms. Babb moved that the recommendation as outlined on the Agenda be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WASTEWATER TREATMENT PLANT EQUIPMENT - LEASE-PURCHASE PROJECT - INFORMATION RECEIVED

The Council has previously approved the concept of lease-purchase for equipment at the Neuse River Wastewater Treatment Plant. Approval of such an approach is required from the Local Government Commission.

City Manager Benton indicated this item had been brought to the Council earlier and the Council approved it in concept. He indicated he had just been advised that the Local Government Commission has approved the agreement, therefore, he would recommend that the Mayor be authorized to sign the contract relating to this project. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PRIVILEGE LICENSE - MARRIOTT - APPROVED

City Manager Benton indicated the City has received an application from the Marriott Hotel for a Class II live entertainment license. He indicated they presently have such a license, however, because of a change in manager, they had to reapply, therefore, he would recommend approval of the Class II entertainment license as applied for at Marriott Hotel. Police and Inspections have recommended approval. Ms. Cates moved the Manager's recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LEAGUE OF WOMEN VOTERS - PRINTING OF GUIDE TO RALEIGH/WAKE COUNTY - FUNDS APPROPRIATED

City Manager Benton indicated recently, the City Council agreed to pay half the cost of printing the League of Women Voters brochure relative to Guide to Raleigh/Wake County. He indicated they have solicited bids, etc., for 20,000 copies and the total cost would be $5,049, therefore, the City's share would be $2,525. Administration recommends that these funds be appropriated from City Council contingency. Ms. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 387 TF 3

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Council Contingency	$ 2,760.00
To 01-2-3020-0265	Other Services	2,760.00
Purpose: For bank courier services for City - Wells Fargo Armoured Service Corporation - $210.00 monthly plus deposit bags.		
From 80-2-1000-0000	Res. for Council Projects	$ 11,600.00
To 80-2-1050-0102	Dam Eval./Design	11,600.00
Purpose: Increase fee limit associated with project delays.		
From 43-2-4060-0100	Loans & Grants	$ 5,000.00
To 43-2-4050-0106	Festive Retail Study	5,000.00
Purpose: For contract amendment for additional services on UDAG application.		
From 84-2-1050-0201		$ 12,869.80
To 84-2-1050-0000		12,869.80
Purpose: Contract Change Order - Dam Repairs - Lake Johnson, Lake Wheeler, Lake Benson - Wilson Construction Company, Inc. - No. 4 (Final).		
From 84-2-1650-0101		$ 4,057.09
To 84-2-1650-0000		4,057.09
Purpose: Change Order - 54" Raw Water Main - Wrenn Wilson Construction Company, No. 2 (Final).		
From 54-2-1110-0101	54" Main Construction	$ 23,733.65
To 84-2-1000-0000	Res. for Council Projects	23,733.65
Purpose: Change Order - 54" Finished Water Transmission Main - T. A. Loving Company.		
From 84-2-1060-0101	E. M. Johnson Plant	$ 15,000.00
To 84-2-1060-0000	E. M. Johnson Expansion	15,000.00
Purpose: Change Order - E. M. Johnson Water Plant Expansion - Constructors, Inc., No. G-7.		
From 84-2-1060-0000		$116,650.00
To 84-2-1060-0501		116,650.00
Purpose: Change Order - E. M. Johnson Plant Expansion - Roberts Filter Manufacturing Company - F-11.		
From 34-2-3806-0100	Municipal Bldg. Renovation	$ 3,833.00
To 34-2-3806-0108	Modification Projects 1-2-3	3,833.00
Purpose: Change Order - Alterations to existing Municipal Building - Clancy & Theys - G-1.		
From 43-2-3080-0100	Contingency	$ 2,000.00
To 43-2-3010-0237	Auto Reimbursement	2,000.00
Purpose: For monthly auto reimbursement for C. D. Director.		
From 43-2-3080-0100	Contingency	$ 1,000.00
To 43-2-3090-0237	Auto Reimbursement	1,000.00
Purpose: Providing funds for monthly auto reimbursement for C. D. Housing Expeditor.		
From 31-2-1000-0100	Sidewalk Bond	$ 33,700.00
To 32-2-4494-0101	P.W. 1982-1A	33,700.00
Purpose: Funds for sidewalks installed under Paving Contract P.W. 1982-1.		
From 06-2-7030-0225	Repairs to Bldg. & Str.	$ 1,500.00
To 06-2-7030-0778	Lake Benson PS Fence	1,500.00
Purpose: Installing fence around pump station for security.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 84-2-1060-0601	EMJ - Clearwell	$179,000.00
To 84-2-1340-0102	Bain Repump-Eng.	179,000.00
Purpose: Engineering design and inspection of E. B. Bain repump facility.		
From 37-2-1081-0100	Roof Repairs	$ 16,000.00
To 37-2-1081-0102	Roof Repairs B	16,000.00
Purpose: Fund contract with Stan Caton Associates for professional services.		
From 37-2-8980-0202	Lassiter Mill	$ 17,500.00
To 37-2-8980-0205	Lassiter Mill Bridge	17,500.00
Purpose: To fund contract with Columbus Contractors, Inc.		
From 01-2-1040-0001	Contingency	$ 2,525.00
To 01-2-1130-0221	Printing	2,525.00
Purpose: To pay cost for League of Women Voters publication.		
From 32-2-3000-0100	Atlantic Avenue	$842,176.00
To 32-2-3012-0201	Seaboard Railroad	842,176.00
Purpose: Agreement with Seaboard Railroad for Atlantic Avenue and Spring Forest Road bridges.		
From 84-2-1050-0000	Southside Dam Restoration	$ 10,250.00
To 84-2-1050-0101	Dam Restoration - Alarm	10,250.00
Purpose: Lake Johnson, Lake Wheeler, Lake Benson Dam Repairs - Change Order #2, Bolton Corporation.		

Adopted: 8/7/84

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

None.

REPORT OF MAYOR AND COUNCIL MEMBERS

HUD - INFORMATION RECEIVED

The Mayor indicated he, the City Manager and the City Attorney will be going to Washington on August 8 to work on a UDAG Grant. He stated there is a nice honorarium planned on Wednesday night and then work with HUD officials will be scheduled for Thursday. The comments were received.

TELECOMMUNICATIONS COMMISSION - UPDATE SCHEDULED FOR SEPTEMBER 4

Mayor Upchurch indicated on behalf of the Council, he would like to request the Telecommunications Commission to give an update to the City Council on September 4, immediately following the Planning Commission Report. He stated he would just like to have an update on how things are progressing and what is happening with our Cable franchise. Mr. Walters questioned if the ATC people could be here also with Mr. Calloway pointing out that maybe we should schedule the Telecommunications Commission more frequently so that the Council could receive periodic reports whether there are problems or not. Mr. Walters again stated he feels that the ATC people should be at the meeting so that the information is not third or fourth hand. Without further comment, it was agreed to schedule an item on the September 4 Agenda for a report on Cablevision.

SIDEWALK INSTALLATION - MILBURNIE ROAD - REFERRED TO ADMINISTRATION

Mr. Calloway asked Administration to check into the absence of a sidewalk on the south side of Milburnie Road between Booker and Raleigh Boulevard. Without objection, the item was referred to Administration.

PARKS AND RECREATION PROGRAM - OPTIONS RELATING TO CO-SPONSORSHIP - REFERRED TO ADMINISTRATION

Mrs. Cates indicated she had circulated some options and proposed resolution relating to the possibility of co-sponsorship of Parks and Recreation Programs with private groups and other governmental units. She indicated she would like to delay discussion on this until after the comments relating to the soccer program tonight but pointed out that the resolution and proposed options are broader than the soccer issue, therefore, she would ask that the two be referred to staff and ask staff to bring back a recommendation to the Council on September 4. She indicated the City Manager could include the Parks and Recreation Director at his discretion. Without objection, the item was referred to Administration for report back on September 4.

COUNCIL ISSUES - COMMENTS RECEIVED

Mr. Walters commended the City Manager for the expeditious handling of items and concerns that he personally had given to the Manager. He stated one related to a problem on Frank Street and he turned it over to the Manager and the Manager expeditiously handled it by writing a letter to the Public Service Company. He stated this is a good way to get the concerns taken care of, that is, give them directly to the Manager.

BOND ISSUE - ANDERSON DRIVE - COMMENTS RECEIVED

Mr. Walters indicated many citizens in the Anderson Drive area are very concerned about the Bond Issue as it relates one-waying Anderson Drive. He stated he feels we need to address this issue as soon as possible and let the citizens know what is included in the Bond Issue as it relates to Anderson Drive. He stated he did not believe that the City Council intended to one-way Anderson Drive that he understood there would just be work on the interchange at Glenwood Avenue but he did not think that the Council voted to one-way Anderson Drive, however, he understands that is a proposal. He stated this should be looked into and cleared up as soon as possible.

TRAFFIC - VILLAGE GROVE SUBDIVISION - REFERRED TO ADMINISTRATION

Mr. Congleton asked Administration to look at the possibility of the installation of stop signs in the Village Grove Subdivision. He indicated he had been contacted by Jerry Cohen about this possibility. Without objection, the item was referred to Administration.

REPORT OF CITY CLERK AND TREASURER

MINUTES - JULY 3 AND 17 - APPROVED AS AMENDED

The City Clerk presented the minutes of the July 3 and July 17 Council Meetings. Mr. Calloway indicated the July 3 minutes, in the heading, listed him as "Ms." Calloway. With that correction, the minutes were approved as presented.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet two proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Council Members also received a listing as submitted by the Wake County Tax Supervisor for refunds made during the month of June for clerical error purposes. It is recommended that the listing be adopted. Mr. Walters moved adoption of the resolution and approval of the listing as submitted. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 586

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Deese, Carla Jeanne & Carl Jackson	07-2-5830411	$ 61.11	Error-Illegal Billing
1983	Doughties Foods, Inc.	01-7-5410886	30.05	Error-Illegal Billing
1983	Doughties Barbecue of Raleigh	01-1-5410884	2.99	Error-Illegal Billing
1983	Doughties Foods, Inc.	01-1-5410885	30.05	Error-Illegal Billing
1983	Doughties Barbecue of Raleigh	01-7-5410888	72.17	Error-Illegal Billing
1983	Leary, William H. & Johnetta	01-2-5172723	68.88	Error-Illegal Billing
1981	O'Connell, Maxine Stanley	01-8-5779248	6.58	Error-Illegal Billing
1983	Pippin Motors, Inc.	01-1-5023607	123.98	Error-Illegal Billing
1983	Reid, Lorenzo	07-2-5236363	70.63	Error-Illegal Billing
1982	Reid, Lorenzo	07-2-5236363	81.28	Error-Illegal Billing
1983	Trees & Leaves Apts.	01-1-5112781	173.00	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 8/7/84

RESOLUTION NO. (1984) 587

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G.S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following names persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	Christine Bergmark	01-2-5266743	$ 375	Relieved
1984	Angelo Catalano	01-2-5266740	7,990	Relieved
1984	Lever Brothers Company	01-7-5268197	17,580	Relieved
1984	U Drive It Auto Co., Inc.	01-7-5259183	462,160	Relieved
1984	Your House of Raleigh, Inc.	01-1-5034112	20,474	Relieved
1984	Your House of Raleigh, Inc.	13-1-5210624	59,930	Relieved
1984	Your House of Raleigh, Inc.	07-1-5034114	11,029	Relieved
1984	Your House of Raleigh, Inc.	16-1-5034113	9,202	Relieved

Section 2. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entires thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 8/7/84

ASSESSMENT ROLL 1015 - TWIN PINES AREA - RESOLUTION ADOPTED

It is recommended that the Council adopt Preliminary Sewer Assessment Roll 1015 which would set a public hearing to consider confirmation of the installation of a sewer main in the Twin Pines area. The public hearing would be September 4, 1984. This area is outside the City Limits, therefore, the assessment would become effective upon tap-on or annexation of the property. Mr. Keller moved adoption of the preliminary assessment roll as recommended. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

OUTSIDE CITY LIMITS

RESOLUTION NO. (1984) 588

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1015

WHEREAS, by Resolution No. (1980) 418 adopted by the City Council on 12-23-80 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 2,826 feet of eight-inch sanitary sewer main to serve the Twin Pines annexation area beginning at the existing Crabtree Outfall North of Azalea Drive and continuing south along the creek which is west of Balsam Drive and terminating at the Twin Pines property.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $41,828.48.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT. NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
David Chi Chao Tung	1	0093681	-	945.8	$ 8,091.32
Carol C. Reginia	2	0052926	89 & PT. 90	105.0	1,796.55
David Chi Chao Tung & Wife June	3	0052116-7	91 & PT. 90	115.0	1,967.65
James & Alice Hatcher	4	0010706	92	110.0	1,882.10
Victor D. Rackley	5	0058035	93	110.0	1,882.10
Hubert O. & Theresa Whitaker	6	0076000	PT. 94-95	96.28	1,647.35
William W. & Wilma Stanley	7	0099003	PT. 94-95	96.7	1,654.54
Fred M. & Lynne Misenheimer	8	0047662	96	120.7	2,065.18
Jerome H. Kerby	9	0063510	97	110.0	1,882.10
Floyd E. Bridgewater, Jr.	10	0062600	24	133.34	2,281.45
Byung Moo Oh & Wife Jahee	11	0019296	23	124.68	2,133.27
Clem H. & Dorothy Shankle	12	0002352	--	850.08	14,544.87

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owners shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1015 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 4th day of September, 1984, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 8/7/84

ANNEXATION - WOOD LAKE - CLERK DIRECTED TO CHECK SUFFICIENCY

The City Clerk indicated she had received a petition for the annexation of some 112 acres known as the Wood Lake Subdivision in the Lake Lynn area. She stated the next step, should the Council so desire, would be to direct the Clerk to check the sufficiency and schedule a public hearing if the petition is found sufficient. Mr. Keller moved that the Clerk be directed to check the sufficiency of the petition relating to Wood Lake Subdivision and if found sufficient, schedule a public hearing. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET CLOSING - OAKVIEW COURT - PREVIOUS ACTION RESCINDED

The City Clerk indicated at the July 3 Council Meeting, a public hearing was held and subsequent to that, the City Council adopted a resolution closing a portion of Oakview Court. She indicated, however, she has now learned that the public hearing was actually advertised and scheduled for tonight's meeting, therefore, she would suggest that the City Council rescind the previous action of closing Oakview Court and reconsider it at the night portion of the meeting. Mr. Keller moved the Clerk's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, August 7, 1984, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

JOINT HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION

The City Council held a joint hearing with the Planning Commission to consider various text changes and rezonings. The items covered during that joint hearing are in a separate set of minutes.

JOINT HEARING BEFORE THE CITY COUNCIL AND THE HISTORIC PROPERTIES COMMISSION

HISTORIC PROPERTIES - VARIOUS LOCATIONS - HEARING - ORDINANCES ADOPTED

This was a joint hearing between the City Council and the Historic Properties Commission to receive citizen input relative to the adoption of an ordinance designating the following locations as Raleigh Historic Properties. Members of the Historic Properties Commission present were: Margie Haywood, Maude Morrow, Mary Lib Wood, Margie Hayes, John Kinney, Stan Caton, Cal Parks and Ardath Weaver.

Executive Director Edmisten of the Historic Properties Commission explained that this hearing is to receive input from the public as it relates to declaring the following four locations as historic properties:

Name	Address
The Badger-Iredell Law Office	Mordecai Historic Park
The Professional Building	127 West Hargett St.
The Montgomery House	214 New Bern Avenue
The Henry Clay Oak	Northwest corner of Blount and North Streets

Margie Haywood, representing the Historic Properties Commission, indicated the Commission recommends that the Council declare these four properties as historic properties. The Mayor opened the hearing. Vallie Henderson indicated she is in support. No one else asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of ordinances declaring the four locations as historic properties. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 394

AN ORDINANCE DESIGNATING THE PROPERTY OF THE BADGER-IREDELL LAW OFFICE LOCATED AT 1 MIMOSA STREET IN THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC PROPERTY

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of a Historic Properties Commission for the City of Raleigh and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3B, Article 19, Chapter 160A, North Carolina General Statutes; and

WHEREAS, the Raleigh Historic Properties Commission has made an investigation and recommended the following property be designated a historic property; and

WHEREAS, the North Carolina State Department for Cultural Resources has made an analysis and recommendation that the following property be designated a historic property; and

WHEREAS, on the 7 day of August, 1984, a joint public hearing was held in the Council Chambers of the Municipal Building, Raleigh, North Carolina, by the Historic Properties Commission and the City Council of the City of Raleigh to determine whether the hereinafter described property should be designated a historic property; and

WHEREAS, all requirements of Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The property of the Badger-Iredell Law Office located at 1 Mimosa Street, in the planning jurisdiction in the City of Raleigh, North Carolina, be and is hereby declared a historic property. Said property being more particularly described as follows:

Being bounded on the East by Wake Forest Road, on the North by Cedar Street, on the West by Mordecai Drive and on the South by Mimosa Street.

Section 2. Those elements of the property that are integral to its historical, architectural, archaeological, or any combination thereof are as follows:

The Badger-Iredell Law Office is a single-story rectangular frame building that measures approximately 16' x 22'. The walls are sheathed in wooden clapboard. The roof is gabled with wooden shingles. The single room building rests on a raised fieldstone basement. The front (west) facade features a four paneled door to the right of center and a nine-over-nine double hung window to the left. The north facade contains two matching double hung windows and the south one a window and door. All the windows have hinged blinds. The east facade features an exposed shouldered brick chimney laid in Flemish bond.

This small frame building is characteristic of the one room office buildings of the late 18th and early 19th centuries. It was thought to have been constructed around 1810 by John Marshall. The building was the office of two prominent North Carolina lawyers, George E. Badger and James Iredell, Jr. Originally located at the northwest corner of Edenton and Dawson Streets, the building was relocated in the early 1960's by Beth Crabtree, a local preservationist, who put it on Midway Plantation to keep it from being destroyed. In 1973, the law office was placed at Mordecai Historic Park and the Wake County Bar Association restored the building to its present appearance as a Law Office Museum.

Section 3. No building or structure that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Raleigh Historic Properties Commission or its successors.

Section 4. No building or structure which is designated in this ordinance on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Raleigh Historic Properties Commission or, after the Commission has received a completed request for demolition, one-hundred and eighty (180) days (or any other longer period of time required by N.C.G.S. 160A-399.6 as it may be amended hereinafter) have elapsed.

Section 5. That all owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed under the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. City Administration and the Historic Properties Commission are hereby authorized and directed to have erected an appropriate sign on the site hereinabove described setting forth the fact that said site has been designated a historic property by action of the Historic Properties Commission and the City Council of the City of Raleigh provided, should the owners of the hereinabove described property not consent to the erection of said sign or the described premises, City Administration and the Historic Properties Commission are hereby authorized and directed to have said sign located on the public right-of-way adjacent to said property.

Section 8. In the event any building or structure is demolished in accordance with the ordinances of the City of Raleigh, this ordinance shall automatically be null and void.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

Adopted: 8/7/84

Effective: 8/7/84

ORDINANCE NO. (1984) 395

AN ORDINANCE DESIGNATING THE PROPERTY OF THE PROFESSIONAL BUILDING LOCATED AT 127 WEST HARGETT STREET IN THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC PROPERTY

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of a Historic Properties Commission for the City of Raleigh and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3B, Article 19, Chapter 160A, North Carolina General Statutes; and

WHEREAS, the Raleigh Historic Properties Commission has made an investigation and recommended the following property be designated a historic property; and

WHEREAS, the North Carolina State Department for Cultural Resources has made an analysis and recommendation that the following property be designated a historic property; and

WHEREAS, on the 7 day of August, 1984, a joint public hearing was held in the Council Chambers of the Municipal Building, Raleigh, North Carolina, by the Historic Properties Commission and the City Council of the City of Raleigh to determine whether the hereinafter described property should be designated a historic property; and

WHEREAS, all requirements of Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The property of the Professional Building located at 127 West Hargett Street, in the planning jurisdiction in the City of Raleigh, North Carolina, be and is hereby declared a historic property. Said property being more particularly described as follows:

BEGINNING at the point of intersection of the southern technical property line of West Hargett Street with the eastern technical property line of South McDowell Street; thence with the southern technical property line of West Hargett Street South 83 degrees 15 minutes East 95 feet to the point of intersection of said technical property line with the western edge of a 10 foot alley; thence with the western edge of said 10 foot alley South 06 degrees 45 minutes West 130 feet to a point in the northern property line of the property of the News and Observer Publishing Company; thence with the northern property line of the News and Observer Publishing Company North 83 degrees 15 minutes West 95 feet to a point in the eastern technical property line of South McDowell Street; thence with the eastern technical property line of South McDowell Street North 06 degrees 45 minutes East 130 feet to the POINT OF BEGINNING, said land being shown on a plat of survey entitled "Property of Golden Land Realty, Inc., Southeast corner of West Hargett Street and McDowell Street, Raleigh, North Carolina" dated September 2, 1980, prepared by Bennie R. Smith, R.L.S. Also being Lots 1, 2, 3, 4, 5 and 6 and the 10 foot east-west alley (now closed) as shown on a map of the Holden Homestead recorded in Book of Maps 1915, Page 16 of the Wake County Registry.

Section 2. Those elements of the property that are integral to its historical, architectural, archaeological, or any combination thereof are as follows:

Located at the corner of McDowell and West Hargett Streets, The Professional Building has a unique and important relationship to Nash Square, historically one of the major features of the original plan of Raleigh's downtown area. It is and 8-story Chicago-style office building, typical of the 1920's with its large rectangular massing and Beaux Arts terracotta ornamentation in Neo-classical themes. In this example, the architect made use of the traditional approach to classical column arrangements of "base," "shaft" and "capital" in the organization of the facade elements. The approach makes use of four vertical stages, with the base element divided into two different stages. There are five stores on the ground floor, in addition to the symmetrical entrance off West Hargett Street, and seven floors of offices above.

The building is a steel frame commercial structure using fire-proof construction techniques, with a veneer of yellow vertical striated brick. The yellow background color serves to offset the white color of the terracotta decorative elements. Its location on the corner creates a strong and imposing relationship with Nash Square across the street. The inner block facades (north and east elevations) are undecorated and anticipated party walls or future development to obscure them.

Section 3. No building or structure that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Raleigh Historic Properties Commission or its successors.

Section 4. No building or structure which is designated in this ordinance on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Raleigh Historic Properties Commission or, after the Commission has received a completed request for demolition, one-hundred and eighty (180) days (or any other longer period of time required by N.C.G.S. 160A-399.6 as it may be amended hereinafter) have elapsed.

Section 5. That all owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed under the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. City Administration and the Historic Properties Commission are hereby authorized and directed to have erected an appropriate sign on the site hereinabove described setting forth the fact that said site has been designated a historic property by action of the Historic Properties Commission and the City Council of the City of Raleigh provided, should the owners of the hereinafter above described property not consent to the erection of said sign on the described premises, City Administration and the Historic Properties Commission are hereby authorized and directed to have said sign located on the public right-of-way adjacent to said property.

Section 8. In the event any building or structure is demolished in accordance with the ordinances of the City of Raleigh, this ordinance shall automatically be null and void.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

Adopted: 8/7/84

Effective: 8/7/84

ORDINANCE NO. (1984) 396

AN ORDINANCE DESIGNATING THE PROPERTY OF THE MONTGOMERY HOUSE LOCATED AT 214 NEW BERN PLACE IN THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC PROPERTY

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of a Historic Properties Commission for the City of Raleigh and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3B, Article 19, Chapter 160A, North Carolina General Statutes; and

WHEREAS, the Raleigh Historic Properties Commission has made an investigation and recommended the following property be designated a historic property; and

WHEREAS, the North Carolina State Department for Cultural Resources has made an analysis and recommendation that the following property be designated a historic property; and

WHEREAS, on the 7 day of August, 1984, a joint public hearing was held in the Council Chambers of the Municipal Building, Raleigh, North Carolina, by the Historic Properties Commission and the City Council of the City of Raleigh to determine whether the hereinafter described property should be designated a historic property; and

WHEREAS, all requirements of Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The property of the Montgomery House located at 214 New Bern Place, in the planning jurisdiction in the City of Raleigh, North Carolina, be and is hereby declared a historic property. Said property being more particularly described as follows:

BEGINNING at a point in the South line of New Bern Avenue, said point being the Northwest corner of Lot 5 on map to which reference is hereinafter made, said point also being 140 feet East from the corner of Blount Street and New Bern Avenue, thence along the southern right-of-way line of New Bern Avenue South 83° 15' East 95 feet to a point, said point being 25 feet East of the original corner of Lot 6; thence a new line through Lot 6 South 06° 45' West 90.2 feet to a point in the North right-of-way line of Morgan Street; thence along the right-of-way line of Morgan Street South 53° 06' West 23.5 feet to a point; thence continuing along the right-of-way line of Morgan Street South 59° 57' West 10.03 feet to a point; thence North 6° 45' East 7.38 feet to a point; thence North 83° 15' West 70 feet to a point, said point being the Southwest corner of Lot 5; thence along the West line of Lot 5 North 6° 45' East 105 feet to the point and place of beginning, being Lot "A" of a map entitled "Recombination Lots 5 and 6, 200 block of New Bern Avenue, Historic Site" and dated 5-4-82, said recombination being all of Lot 5 and the western 25 feet of Lot 6.

Section 2. Those elements of the property that are integral to its historical, architectural, archaelogical, or any combination thereof are as follows:

The Montgomery House (1906) is a two-story weatherboarded structure built for Supreme Court Justice Walter A. Montgomery. The irregular mass of the house recalls the Queen Ann style of domestic architecture, but the details, including the Doric-type porch posts, porch pilasters, Palladian window in the front gable and other restrained classical elements are Colonial Revival.

In 1982, the house was moved from its original site on East Edenton Street to its present site on New Bern Place. This moving project sparked an important effort that combined public and private efforts to revitalize downtown with planning methods involving historic preservation.

Section 3. No building or structure that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Raleigh Historic Properties Commission or its successors.

Section 4. No building or structure which is designated in this ordinance on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Raleigh Historic Properties Commission or, after the Commission has received a completed request for demolition, one-hundred and eighty (180) days (or any other longer period of time required by N.C.G.S. 160A-399.6 as it may be amended hereinafter) have elapsed.

Section 5. That all owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed under the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. City Administration and the Historic Properties Commission are hereby authorized and directed to have erected an appropriate sign on the site hereinabove described setting forth the fact that said site has been designated a historic property by action of the Historic Properties Commission and the City Council of the City of Raleigh provided, should the owners of the hereinabove described property not consent to the erection of said sign on the described premises, City Administration and the Historic Properties Commission are hereby authorized and directed to have said sign located on the public right-of-way adjacent to said property.

Section 8. In the event any building or structure is demolished in accordance with the ordinances of the City of Raleigh, this ordinance shall automatically be null and void.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

Adopted: 8/7/84

Effective: 8/7/84

ORDINANCE NO. (1984) 397

AN ORDINANCE DESIGNATING THE PROPERTY OF THE HENRY CLAY OAK LOCATED AT THE NORTHWEST CORNER OF BLOUNT AND NORTH STREETS IN THE CITY OF RALEIGH, NORTH CAROLINA, A HISTORIC PROPERTY

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of a Historic Properties Commission for the City of Raleigh and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3B, Article 19, Chapter 160A, North Carolina General Statutes; and

WHEREAS, the Raleigh Historic Properties Commission has made an investigation and recommended the following property be designated a historic property; and

WHEREAS, the North Carolina State Department for Cultural Resources has made an analysis and recommendation that the following property be designated a historic property; and

WHEREAS, On the 7 day of August, 1984, a joint public hearing was held in the Council Chambers of the Municipal Building, Raleigh, North Carolina, by the Historic Properties Commission and the City Council of the City of Raleigh to determine whether the hereinafter described property should be designated a historic property; and

WHEREAS, all requirements of Part 3B, Article 19, Chapter 160A of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The property of the Henry Clay Oak located at the northwest corner of Blount and North Streets, in the planning jurisdiction in the City of Raleigh, North Carolina, be and is hereby declared a historic property. Said property being more particularly described as follows:

BEGINNING at the northwest intersection of East North Street with North Person Street and runs thence with the west side of North Person Street for a distance of 75 feet to a stake, a corner of the H. D. DeBoy property; thence a line parallel with East North Street a distance of 120 feet with the said DeBoy line to a stake on the east side of a driveway; thence with the east side of the driveway line parallel with North Person Street, said line being practically south for a distance of 75 feet to a stake on the north side of East North Street; thence with the north line of East North Street approximately an eastern course 120 feet to the beginning, and known as the M. C. Brown Place in Raleigh, North Carolina.

Section 2. Those elements of the property that are integral to its historical, architectural, archaelogical, or any combination thereof are as follows:

Henry Clay, a presidential candidate in the election of 1844, came to Raleigh to visit for one week. People came from all over the state to hear and see him. He arrive on April 12, at 7:00 p.m., and was met by a committee of reception and the cavalry and infantry. During his stay, he visited with both George Badger and Congressman Kenneth Rayner. Rayner resided in a home he had inherited from Colonel William Polk, his grandfather-in-law. At this date, the Polk home was located on North Street at the end of Blount Street. It was from this house that Clay called for a small table and chair to be set up under the limbs of the great white oak in the side yard of the house. This white oak tree is about six feet in diameter and is probably the oldest tree in the Raleigh area. Under its limbs, Henry Clay, on April 17, 1844, penned his famous letter to the National Intelligencer about the annexation of Texas. This letter alienated all political factions and cost him the Presidency of the United States. He stated in his letter the famous quote, "I had rather be right than President."

Section 3. No building or structure that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Raleigh Historic Properties Commission or its successors.

Section 4. No building or structure which is designated in this ordinance on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Raleigh Historic Properties Commission or, after the Commission has received a completed request for demolition, one-hundred and eighty (180) days (or any other longer period of time required by N.C.G.S. 160A-399.6 as it may be amended hereinafter) have elapsed.

Section 5. That all owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed under the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. City Administration and the Historic Properties Commission are hereby authorized and directed to have erected an appropriate sign on the site hereinabove described setting forth the fact that said site has been designated a historic property by action of the Historic Properties Commission and the City Council of the City of Raleigh provided, should the owners of the hereinabove described property not consent to the erection of said sign on the described premises, City Administration and the Historic Properties Commission are hereby authorized and directed to have said sign located on the public right-of-way adjacent to said property.

Section 8. In the event any building or structure is demolished in accordance with the ordinances of the City of Raleigh, this ordinance shall automatically be null and void.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

Adopted: 8/7/84

Effective: 8/7/84

REQUESTS AND PETITIONS OF CITIZENS

CAMP DURANT - REQUEST FOR PERMISSION TO SERVE BEER - DENIED

A representative of Van Masters of Raleigh was at the meeting explaining they are celebrating their eighth anniversary and anticipate having between 250 and 300 people from other van clubs throughout the State in Raleigh to help with the celebration. He indicated they have rented all of the facilities at Camp Durant for the period 1:00 p.m. August 31 through 5:00 p.m. September 3 and would like permission for the consumption of alcoholic beverages including beer so that they could go before the ABC Board to get a permit to sell beer. In response to questioning, City Manager Benton indicated the policy in the Code does not permit this type activity at Camp Durant. Mr. Calloway questioned since Van Masters will have exclusive use of the facilities that day if that would make it any different. City Attorney McCormick

indicated it would make no difference pointing out the policy has been strictly adhered to. Mr. Walters indicated our policy does not permit alcoholic beverages at Camp Durant, therefore, he would move that the request be denied. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HISTORIC OAKWOOD - THIRTEENTH HOME CANDLELIGHT CHRISTMAS TOUR - INFORMATION RECEIVED

Ames Christopher, representing the Society for the Preservation of Historic Oakwood, was at the meeting to explain the Candlelight Home Tours in the past. He indicated residents of Oakwood feel that they have been pioneers in downtown living in Raleigh and they are so committed to the revitalization of downtown that their 1984 Christmas Tour will promote living in downtown Raleigh. He stated there will be examples of some of Oakwood's restored homes, homes which are in various stages of restoration, local office buildings, a neighborhood antique shop, new bed and breakfast house, special displays, etc. He indicated the Oakwood Tour has been coordinated so that other historic buildings in the downtown area will also be open the same weekend such as the Governor's Executive Mansion, State Capitol, Haywood Hall, N.C. Museum of History and Mordecai House. He indicated other sponsoring groups and agencies include the Chamber of Commerce, Raleigh Merchant's Bureau, North Carolina Museum of History Associates and the Historic Preservation Foundation of North Carolina. He presented a brochure pointing out a similar one will be printed to describe all of the openings for that particular weekend. He explained that attempts will be made to attract tour groups from cities all over the State to visit Raleigh. Council Members expressed appreciation with Mr. Christopher indicating he was at the meeting to ask the Council to join them in helping show off our downtown area.

STREET CLOSING - 400 BLOCK OF BLOODWORTH STREET - APPROVED; FEE WAIVED

John Myers had requested permission to block off the 400 Block of Bloodworth Street in order to hold the 3rd Annual Oakwood/Diabetic Arts and Craft Show and had also requested a waiver of the $50 filing fee. It was pointed out this event is scheduled for October 6. Mr. Myers was not at the meeting. City Manager Benton indicated this has occurred in the past with no difficulties pointing out the street would be blocked between 8:00 a.m. and 6:00 p.m. He indicated Mr. Myers has worked out the details with the Police Department in that the sponsors of the event will provide barricades, etc., therefore, Administration has no objection to the closing. Mr. Walters moved approval of the closing and waiver of the $50 filing fee. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SOCCER FEES - CAPITAL AREA SOCCER LEAGUE - REFERRED TO ADMINISTRATION

Bill Trott, Iredell Drive in Raleigh, was at the meeting indicating he is a member of the Board of Directors for the Capital Area Soccer League. Approximately 50 persons were in the audience in support of Mr. Trott's remarks. He indicated the Soccer League had presented their position paper on the proposal the City has to charge the Capital Area Soccer League for use of fields. He explained the Capital Area Soccer League is made up of volunteers, non-profit Board of Directors and is a hard working organization that has accomplished a lot. He indicated it involves over 600 coaches who are volunteers. He explained that 72 percent of the participants are City of Raleigh residents. He explained the soccer program is open to anyone who wants to play soccer pointing out they are private only in the fact that they do not have any City or government support. He indicated many parents were surprised to learn that CASL is not sponsored in any way by the City. He indicated CASL has been fiscally farsighted in that they are purchasing fields and developing fields at the Soccer Center. He indicated soccer is the largest team sport nationwide and it has been sweeping the country for the last 15 years. He pointed out Raleigh has been in the forefront both on the State and National level as its teams have placed very well in these tournaments. He indicated other cities throughout the State do offer some support to the soccer program. He indicated soccer today is on the par with football, basketball and baseball. He stated it has boomed as it doesn't require great skill levels, it is fun and requires physical fitness. He pointed out it is a great sport for girls pointing out there are over 700 girls in the league. He explained soccer is important to the City of Raleigh. In many cases, it is an important attraction to people who move to the City of Raleigh to live. He indicated they feel that the City has an obligation to promote and support soccer with the same emphasis they do football, baseball and basketball. He indicated the City used to support the soccer program but it outgrew the City. He explained Greensboro spends $65,000 to $70,000 per year on their soccer program. He pointed out for a kid to play soccer in the City of Raleigh, he must pay a $40 registration fee whereas if that same child wanted to play football, baseball or basketball, they would have to pay nothing. He indicated the Soccer League does not make a profit; as a matter of fact, they are in debt and need money. He indicated it has been said that the Soccer League is seeking an exception to having to pay for the fields but he thinks the exception is that the City is not a sponsor of soccer like it is other programs. He indicated the issue of paying fees arose at the eleventh hour and maybe it is due to the lack of communication. He stated, however, out of this conflict, he feels that the issue can serve as catalyst to promote better communication. He stated everyone at CASL acknowledges and welcomes the opportunity to work with the City of Raleigh. He indicated they have always tried to work with the Parks and Recreation Program pointing out the spring season has been shortened so it would not interfere with little league baseball. He called on the City Council to unite with CASL and look to the future, not look back.

Mr. Keller indicated everyone is aware of the Law and Finance Committee's recommendation. He indicated everyone realizes and recognizes the contribution that soccer has made to the City of Raleigh. He pointed out, however, to not charge CASL for fields would be an exception under our present system. He stated what the Law and Finance Committee would like to do is to hold the recommendation of the Committee and refer this item to Administration to meet and talk about the possibility, etc., that is, start negotiation with CASL to see if we can reach an agreement on co-sponsorship. His motion was seconded by Ms. Cates.

Mr. Congleton indicated in talking about inconsistencies that at this point, he does not feel we have a policy. He indicated the question is whether to charge a $5 fee. He indicated what is being proposed, that is, referring the matter to Administration to negotiate with CASL will arrive at an acceptable solution. He indicated he had put a draft of a proposal on Council Members' desks relating to the possible designation of CASL as the sponsor of the soccer program. He indicated he would encourage Administration and CASL to work hard and fast together. He pointed out there has been some suggestion that soccer is an elitist sport but there is a program that allows for participation of low income persons. Various Council Members commented on the popularity of soccer with Ms. Cates pointing out she hopes everyone understands that the City is trying to work with CASL. She pointed out she had discussed some options and she had passed those options along to Administration to be considered. The motion as stated was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ROAD RACE - APRIL 14, 1985 - APPROVED

Robert E. Baxter was at the meeting to request permission to conduct a 10K road race on Raleigh City streets on April 14, 1985. He indicated they will provide $3,000,000 in liability insurance and have been working with the Fire Department to operate five to six water sprays, if needed. He indicated they have the Red Cross and various medical units available, if needed. He indicated he had coordinated this with the Police Department and the Civic Center. In response to questioning, City Manager Benton indicated Mr. Baxter has worked with the Police Department and has agreed to employ 38 police officers and a supervisor for security and traffic direction and provide necessary cones and barricades, therefore, Administration has no objection. Mr. Calloway moved approval of the request as outlined. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SCENIC VIEW LANE - ALLEGED DEFICIENCIES - REFERRED TO THE PUBLIC WORKS COMMITTEE

Debra Jordan was at the meeting representing residents of Scenic View Lane. She indicated when they purchased their townhouse, they were shown plans which would indicate that each townhouse would have two parking spaces and the street would be completed. She indicated after they moved in, the builder didn't come back to complete the street and there are five townhouses that have only nine parking spaces. She read Code provisions which outline the number of parking spaces that would be necessary based on the number of units explaining she feels that they should have 26 parking spaces but they do not. She indicated the parking spaces they do have are situated in such a way that you cannot pull forward onto the street which is a requirement of the City Code. She indicated she wondered why the map was approved when there was not enough parking spaces shown. She indicated she had talked with the developer and he has said he had the right to change the plan but according to her interpretation of the Code, once a plan is approved by the Council then that plan must be followed. She indicated there are some other problems relating to the drainage on the street and the developer had said that he would come back and finish off the street, however, that has not occurred. She indicated each time it rains, there is a large wash in the parking area that is really causing problems. She indicated in her opinion if the street had been inspected, they would not have these problems to begin with. City Manager Benton indicated Scenic View Lane is a private drive serving these dwelling units. He stated the City would have to investigate the question about the number of parking spaces. Brief discussion took place as to the location, City inspections of private drives and the problems outlined by Ms. Jordan after which, by unanimous consent, the item was referred to Public Works Committee.

NEWTON WAY - REQUEST TO STOP CONNECTION - NO ACTION TAKEN

Representatives of Newton Parrish were at the meeting to present petitions of the residents requesting that the City take appropriate action to stop efforts to connect Newton Way to a road being located in an apartment development being built by Murray Properties of Dallas, Texas. It was pointed out that the buyers in Newton Parrish were told that Newton Way would be back in the trees, however, it is in their back yard and will connect Newton Way to Newton Road. It was stated the connecting stretch of road will run through an unrelated apartment complex. Originally, the area to the west was to be part of Newton Parrish, however, it was sold for apartments. Newton Parrish has a much lower density than the proposed apartment complex, therefore, the residents of Newton Parrish conclude that the road was initially approved for a community which averaged far fewer units per acre than is now the case. The neighborhood is concerned as they do not believe Newton Way is adequate to handle the additional traffic to be generated from the apartment renters who will take shortcuts through their neighborhood. They feel the existing intersection of Newton Way and Newton Road is precarious now without adding more traffic. They feel that the increase in the traffic generated by the apartment complex presents a hazard to their children and pets. It was explained the layout of the road with its poor

line of vision and curves leads credence to this fact. It was felt that the traffic from the apartment complex would disrupt the integrity of the neighborhood. A petition which was indicated had been signed by 67 people who represent 50 households in Newton Parrish was presented and opposed to this connection.

City Manager Benton indicated Newton Parrish came through as a three lot subdivision. Two lots involve townhouse construction and the third lot was for apartments. He stated these three lots were shown as being served by a collector street and the plats have been recorded showing the three lots and the dwelling units which indicate a need for a collector street in the area. He pointed out the street which is the subject of this appeal is shown on a recorded map and Administration would recommend that the plan remain as approved in order to provide traffic flow in the area. He indicated the Department of Transportation doesn't feel that there will be a great negative impact from the apartment traffic as they may not utilize this street. Mr. Congleton indicated he feels that this problem points out some of the problems whereby developers can come in, purchase property, develop homes and sell them without having a realtor's license. He indicated some of the things concern him that have come out of this discussion. He stated, however, in this particular case, he feels it is near impossible to stop the road at this point. Another resident of Newton Parrish indicated people are moving into the City daily. He questioned if the information given to the residents of Newton Parrish could be considered as a misrepresentation pointing out they were told that this area would be totally enclosed. He indicated in his opinion, it is not a question of whether the road can handle the traffic but is a question of whether they were sold something under false pretenses. He indicated he is at the meeting to ask the Council issue a severe reprimand to developers who are coming in the area and misrepresenting their product with Ms. Cates indicating she wished a reprimand would take care of the problem. Mrs. Block pointed out this is a collector street that has been approved and under construction, therefore, she would see no way that it could be delayed or changed. Various Council Members indicated distress that the development was misrepresented to potential buyers, however, no further action was taken.

NORTH CAROLINA HOUSING FINANCE AGENCY - RAMSGATE PROPERTIES - RESOLUTION ADOPTED

Charles Case, representing Ramsgate Properties, was at the meeting to request the Council to adopt a resolution requesting and approving the participation of the North Carolina Housing Finance Agency in the financing of a 264 apartment project on the west side Ray Road, south of Thorn Ridge Road. He indicated this is the beginning of the review process. City Manager Benton indicated Administration has looked at it and it would be appropriate to give favorable consideration. He indicated it is understood that this is a 26 acre parcel of land zoned Residential-10. Mr. Calloway moved adoption of the resolution as requested. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 590

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA .

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at the west side of Ray Road in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of proposed project:

264 unit apartment project on the west side of Ray Road south of Thorn Ridge Road.

This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Calloway, seconded by Ms. Babb, the foregoing resolution was passed by the following vote: Ayes - Mayor Upchurch, Mr. Walters, Ms. Babb, Ms. Block, Ms. Cates, Mr. Calloway, Mr. Congleton, Mr. Keller; Noes - None.

NORTH CAROLINA HOUSING FINANCE AGENCY - HARTFORD HILLS - RESOLUTION ADOPTED

James M. Tanner, Jr., representing Highland Mortgage Company of Raleigh on behalf of C-Square Investments, Inc., Houston, Texas, was at the meeting to request that the Council adopt a resolution requesting and approving the participation of the North Carolina Housing Finance Agency in the financing of Hartford Hills, a 398 unit apartment complex to be built on Duraleigh Road and U.S. 70 West. Brief discussion took place on the location with City Manager Benton indicating Administration has no objection. Brief discussion took place on this process and what the City Council is actually doing in adoption of this resolution. Mr. Calloway moved adoption of the resolution as requested. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 591

Mr. Calloway introduced the following resolution which was read:

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at the southwest quadrant of the intersection of U.S. 70 W. and Duraleigh Road in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of proposed project:

Hartford Hills Apartments, a 398 unit apartment complex of high quality design and construction and which will, as a condition of its financing, reserve not less than 20 percent of its units for occupancy by families or persons earning less than 80 percent of the median income for Raleigh.

This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Calloway, seconded by Mr. Walters, the foregoing resolution was passed by the following vote: Ayes - Mayor Upchurch, Mr. Walters, Ms. Babb, Ms. Block, Ms. Cates, Mr. Calloway, Mr. Congleton, Mr. Keller; Noes - None.

ENCROACHMENT - 217 WEST MARTIN STREET - APPROVED

John Blomquist, owner of the Berkley Cafe, was at the meeting to request a 48 inch encroachment over the sidewalk at 217 West Martin Street in order to install a flame retardant canvas canopy. City Manager Benton indicated that Administration has no objection as long as the minimum height above the sidewalk is 9 feet, the owner obtains proper permits and the proper encroachment agreement is executed. Mr. Calloway moved approval of the encroachment as requested. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNFIT DWELLINGS - 1015 AND 603 EAST MARTIN STREET - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1984-284 declared dwellings at 1015 and 603 East Martin Street unfit. He indicated the houses are now vacant and closed and prior to reoccupancy, repairs would have to be made, therefore, he is recommending repeal of Ordinance 1984-284. Mrs. Block moved approval of the appropriate repealer ordinance. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 398

AN ORDINANCE REPEALING ORDINANCE NO. (1984) 284 RELATING TO 1015 EAST MARTIN STREET AND 603 EAST MARTIN STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance No. (1984) 284 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the Office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: August 7, 1984

Effective: August 7, 1984

MATTER SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 519 OAKWOOD AVENUE - WITHDRAWN; 604 EAST HARGETT STREET, 2109 CRUMP ROAD AND 909 EAST DAVIE STREET - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as described below. The Mayor opened and closed the hearing on each case.

519 Oakwood Avenue - Gary and Eleanor W. Hoover - $214. Housing Inspections Supervisor Bartholomew requested this item be withdrawn from the Agenda as the charges have been paid.

604 East Hargett Street - Henry Davis, Jr. - $189. No one asked to be heard. Mr. Congleton moved adoption of the appropriate resolution. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 592.

2109 Crump Road - The William Satterfield, Heirs - $580. No one asked to be heard. Mr. Calloway moved adoption of the appropriate repealer ordinance. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 592.

909 East Davie Street - Alexander White - $220. No one asked to be heard. Mr. Keller moved adoption of the appropriate resolution. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 592

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes of the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6, of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Henry Davis, Jr.	604 E. Hargett Street Lot 7, Block B-5 Map B-1; ID# 0017068	$189.00
The William Satterfield, Heirs	2109 Crump Road Lot 34, Map 603 ID# 0062322	$580.00
Alexander White	909 E. Davie Street Lot 13, Block B-15 Map B-2; ID# 0076067	$220.00

Section 3. That this resolution shall become effective August 7, 1984.

UNSAFE BUILDING - 2311 BLUE RIDGE ROAD - HEARING - ORDINANCE ADOPTED EFFECTIVE SEPTEMBER 5

This was a hearing to consider adoption of an ordinance declaring the building at 2311 Blue Ridge Road unsafe and directing that it be demolished. The property is in the name of Dr. Lloyd R. Rothschild. Housing Inspections Supervisor Bartholomew indicated he had been contacted by Dr. Rothschild and the Chief of the Fire Department at Blue Ridge Road. He indicated they want to use the house for training, therefore, he would recommend adoption of an ordinance to become effective September 5, 1984. Mr. Walters moved Mr. Bartholomew's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 399

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 2311 BLUE RIDGE ROAD IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Dr. Lloyd R. Rothschild	2311 Blue Ridge Road

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective September 5, 1984.

Adopted: August 7, 1984

Effective: September 5, 1984

SEWER AR-1007 - DELTA LAKE DRIVE AREA - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges as outlined in Sewer Assessment Roll 1007 for the installation of a sewer main in Delta Lake Drive according to charges outlined in Resolution 1984-540 adopted on June 5, 1984. Chief Engineer Thomas explained the work that has been completed. The hearing was opened to the public. No one asked to be heard. Mr. Walters moved adoption of a resolution confirming changes as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 9:50 p.m. See Resolution 593.

SIDEWALK AR-205 - JONES STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the installation of a sidewalk on Jones Street according to charges outlined in Resolution 1984-541 adopted on June 5, 1984. Chief Engineer Thomas explained work that has been completed. The hearing was opened to the public. No one asked to be heard. Mr. Walters moved adoption of the confirming resolution. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 9:52 p.m.

RESOLUTION NO. (1984) 593

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL 1007 AND SIDEWALK ASSESSMENT ROLL 205

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 7th day of August, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Numbers (1984) 540 and 541 adopted on the 5th day of June, 1984, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll 1007 and Sidewalk Assessment Roll 205," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the Office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: August 7, 1984

ANNEXATION - NORTH RIDGE ESTATES - HEARING - ORDINANCE ADOPTED EFFECTIVE DECEMBER 31

This was a hearing to consider the contiguous annexation of property known as North Ridge Estates. The hearing is pursuant to petition, advertisement and notification as required by law. Planning Director Chapman explained the location. The Mayor opened the hearing to the public. No one asked to be heard. Mr. Walters moved adoption of an ordinance annexing the area effective August 31, 1984, and adoption of a resolution assigning the property to City Council Electoral District A. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 594

A RESOLUTION TO AUTHORIZE THE INCLUSION OF NORTH RIDGE ESTATES IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 400 adopted August 7, 1984, annex a parcel of land being commonly referred to as North Ridge Estates; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as North Ridge Estates as described in Ordinance No. (1984) 400 be added to City Electoral District A.

Adopted: August 7, 1984

Effective: December 31, 1984

ORDINANCE NO. (1984) 400

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS NORTH RIDGE ESTATES

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on August 7, 1984, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of August 31, 1984.

NORTH RIDGE ESTATES

To determine the point of beginning for the lands herein described, start at an iron stake in the Southwest line of Litchford Road and in the line of J. E. Nichols property from said starting point track South 02° 33' 04" West 164.33 feet to an existing iron pipe marking the Northeastern corner of Inverrary IV according to plat recorded in Book of Maps 1983, Page 1028, Wake County Registry, thence North 89° 12' 35" West with the northern line of Inverrary IV Subdivision 239.07 feet to an iron stake, the same marking the point and place of beginning of the tract herein described; runs thence from said point of beginning North 89° 12' 35" West 240.41 feet with the northern line of Inverrary IV Subdivision an existing axle; thence continuing with the northern line of Inverrary IV Subdivision: South 85° 3' 58" West 59.81 feet to an existing iron pipe, said point also shown on a survey map drawn for recording, entitled, "North Ridge Estates, Lots 1-28" dated May, 1984, and drawn by Robert T. Newcomb, III, Registered Land Surveyor, 304-D West Millbrook Road, Raleigh, North Carolina; thence with the line of North Ridge Estates according to said survey map the following course and distances: South 85° 17' 50" West 345.20 feet, southwesterly across Prescott Place right-of-way 58 feet ± to a stake in the western right-of-way of Prescott Place, South 85° 19' 35" West 74.07 feet, North 63° 38' 43" West 87.62 feet, South 89° 50' 50" West 127.98 feet, South 42° 30' 42" West 112.04 feet, South 35° 52' 24" West 111.60 feet, South 01° 17' 40" East 144.56 feet to the southeastern corner of Lot 24 as shown on said survey map for North Ridge Estates, said point also being in the northern line of Lot 19 of Inverrary Subdivision (Book of Maps 1977), Page 758, Wake County Registry) and the existing (7-1-84) Raleigh City Limits; thence North 88° 02' 28" West with the northern line of said Lot 19 and said existing City Limits 157.56 feet; thence with said existing City Limits South 40° 16' 13" West 479.69 feet with the line of Lots 19, 20 and 24 of Inverrary Subdivision (Book of Maps 1977, Page 758, Wake County Registry) to a pk nail in rock, the same marking and being in the present terminus of Rainwater Drive; runs thence South 78° 03' 32" West 210.85 feet to an iron pipe in the North line of lot 30 of North Ridge Subdivision (Book of Maps 1973, Page 373, Wake County Registry); runs thence North 57° 0' 45" West 275.25 feet with the North line of Lots 30 and 29 of North Ridge Subdivision to the manhole; runs thence North 82° 35' 09" West 190.34 feet with the line of Lot 29 to an existing iron pipe; thence continuing with the line of said Lot 29 North 47° 56' 50" West 54.34 feet to an iron pipe; thence North 48° 05' 05" West 4.43 feet; thence North 45° 56' 56" West 5.20 feet to an iron pipe; thence North 16° 24' 40" East 52.48 feet to an iron pipe the same marking the corner of the Raleigh City Limits line; thence leaving said City Limits line North 13° 13' 34" West 161.97 feet to an existing iron pipe; runs thence North 56° 15' 07" West 112.55 feet to an existing iron pipe in the sanitary sewer easement by North Ridge, Inc., by deed recorded in Book 2469, Page 576, Wake County Registry; runs thence North 11° 14' 19" West 75.26 feet with the line of the North Ridge County Club, Inc., property (Book of Maps 1977, Page 8, Wake County Registry) to an iron stake; runs thence with the line of the North Ridge Country Club, Inc., property the following courses and distances: North 67° 49' 03" West 270.14 feet to an iron stake; thence North 52° 57' 56" West 416.81 feet to an iron stake; thence North 69° 32' 38" East 431.81 feet to an iron stake; thence North 34° 35' 15" East 283.66 feet to an iron stake; thence North 30° 30' 41" East 343.45 feet to an iron stake; thence North 44° 59' 13" East 111.12 feet to an iron stake; thence with the line of a curve to the right a distance of 243.47 feet, said curve having a radius of 77.50 feet, to an iron stake; thence North 22° 02' 42" West 307.65 feet to an iron stake; thence 14° 54' 37" West 269.58 feet to an iron stake; thence North 05° 24' 52" West 183.62 feet to an iron stake; thence North 27° 0' 18" East 235.77 feet to an iron stake; thence North 15° 26' 59" West 83.52 feet to an iron stake; thence North 54° 35' 07" West 69.50 feet to an iron stake; thence North 71° 36' 07" West 54.40 feet to an iron stake; thence North 86° 30' 03" West 95 feet ± to a point in the eastern right-of-way of Haymarket Lane, said point also being in the existing (7-1-84) Raleigh City Limits; thence northeasterly along said right-of-way 200 feet ± to the end of the existing (7-1-84) recorded right-of-way of said street, said point also being in the western line of the Junious E. Nichols property; thence the following courses and distances with the western and northern lines of said Nichols property and said existing City Limits: North 19° 17' 57" West 46 feet ± to an existing iron stake; thence North 51° 50' 54" East 672.30 feet to an existing iron pipe, the same marking a corner of the North Ridge Country Club, Inc., property; thence leaving said existing City Limits South 89° 42' 43" East 464.02 feet to an existing iron pipe; runs thence South 21° 28' 05" East 885.19 feet with the west line of the Anne Jones Weathersbee property to an existing iron pipe; runs thence South 27° 47' 20" West 337.82 feet with the R. C. Yates property to an existing iron pipe in the Northern line of Gresham's Lake Road Extension; runs thence the following courses and distances along the northern line of Gresham's Lake Road Extension: South 62° 47' 54" East 178.99 feet to an iron pipe; South 62° 04' 49" East 124.77 feet to an existing iron pipe; runs thence South 76° 10' 29" East 172.44 feet to an existing iron pipe; runs thence South 74° 40' 08" East 124.34 feet to an iron pipe; runs thence South 75° 32' 34" East 112.33 feet to an existing iron pipe; runs thence South 76° 35' 12" East 250.24 feet to an existing iron pipe marking the intersection of the North line of Gresham's Lake Road Extension with the western line of Litchford Road; the same being designated as a control corner and having North Carolina State Plane Coordinates of N(Y) = 777,608.43 and E(x) = 2,118,192.34; runs thence South 05° 37' 45" West 178.67 feet with the Western line of Litchford Road to an iron stake; thence continuing with said road South 0° 49' 18" East 58.15 feet to an iron stake, the same marking the Northeast corner of the tract of J. E. Nichols property; runs thence North 76° 35' 12" West 334.10 feet to an iron stake the Northwest corner of J. E. Nichols; runs thence the following courses and distances with the Western line of J. E. Nichols: South 11° 51' 48" West 204.20 feet to an iron stake; South 16° 7' 35" East 151.21 feet to an iron stake; South 40° 0' 17" East

267.37 feet to an iron stake; South 28° 06' 12" East 358.02 feet to an iron stake; South 37° 0' 12" East 198.80 feet to an iron stake; and South 14° 17' 15" East 87.30 feet to an iron stake, the POINT AND PLACE OF BEGINNING as shown on a copy of a survey map drawn by Robert Newcomb, III, Registered Land Surveyor, entitled, "Annexation Map, Property of North Ridge Estates Associates, Raleigh, North Carolina," dated January, 1984, on file in the Raleigh City Planning Department.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Registry of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective August 31, 1984.

Adopted: August 7, 1984

Effective: August 31, 1984

ANNEXATION - TAPERS II - HEARING - ORDINANCE ADOPTED EFFECTIVE DECEMBER 31, 1984

This was a hearing to consider the contiguous annexation of property known as Tapers II. The hearing is pursuant to petition, advertisement and notification as required by law. Planning Director Chapman explained the proposal. The hearing was open to the public. No one asked to be heard. Mr. Keller moved adoption of an ordinance annexing the property effective December 31, 1984, and adoption of a resolution assigning the property to City Council Electoral District B. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 401

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS TAPERS II

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on August 7, 1984, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984.

TAPERS II

BEGINNING at an iron stake located in the existing (7-1-84) corporate limits of the City of Raleigh, said stake marking the southwest corner of lands now or formerly belonging to Wisner H. Chamblee, all as shown on map hereinafter referred to; running thence with the southern line of said Chamblee North 84° 42' 37" East 381.69 feet to a stake marking the northwest corner of lands belonging to Westminister Company; thence with Westminister's western line South 26° 00' 58" East 282.72 feet to a stake and South 14° 10' 08" East 373.74 feet to a stake in the northern line of lands belonging to Millbrook Associates, Ltd.; said point also being in said existing corporate limits; thence with said existing corporate limit line and said Millbrook Associates, Ltd.'s northern line South 86° 2' 57" West 602.86 feet to a stake again in the existing corporate limits of the City of Raleigh; thence with said existing corporate limit line North 00° 32' 25" East 622.82 feet to the point and place of BEGINNING. Containing 7.32 acres according to survey entitled "Recombination of Part of Fairway North and North Farms Into 1 Lot," prepared by Castleberry-Edgerton Company, Registered Engineers, dated 4-13-84, recorded in Book of Maps 1984, Page 832, Wake County Registry.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Registry of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: August 7, 1984

Effective: December 31, 1984

RESOLUTION NO. (1984) 595

A RESOLUTION TO AUTHORIZE THE INCLUSION OF TAPERS II IN CITY ELECTORAL DISTRICT B

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) 401 adopted August 7, 1984, annex a parcel of land being commonly referred to as Tapers II; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District B is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Tapers II as described in Ordinance No. (1984) 401 be added to City Electoral District B.

Adopted: August 7, 1984

Effective: December 31, 1984

STREET CLOSING - OAK VIEW COURT - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of the unimproved northern extension of Oak View Court, running north from Banks Street. The hearing is pursuant to petition, resolution and notification as required by law. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution closing the unimproved northern extension of Oak View Court as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 589

A RESOLUTION ORDERING THE CLOSING OF THE UNIMPROVED NORTHERN EXTENSION OF OAKVIEW COURT AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of the unimproved northern extension of Oakview Court right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. The above described portion of Oakview Court be closed permanently as follows:

> The abandoned extension of Oakview Court, on the northern side of Banks Street, 50' wide by approximately 135' deep. This street right-of-way is bounded by Lot 366 as well as Lot 365 on the western side and Lots 436 and 437 on the northern side.

Section 2. This resolution be registered in the Office of the Registry of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 8/7/84

Effective: 8/7/84

ADJOURNMENT

There being no further business, the meeting adjourned at 10:10 p.m.

Gail G. Smith
City Clerk